

**Variance Application: VAR 25-0598****LUHO Hearing Date: May 27, 2025****Case Reviewer: Carolanne Peddle****Hillsborough  
County Florida****Development Services Department****Applicant: Skar Audio Inc****Zoning: ASC-1****Location: 8312 Cosme Rd. Odessa, FL 33556****Folio: 2487.0000****Request Summary:**

The applicant requests variances for an existing wall on a property located at the southeast corner of Gunn Highway and Cosme Road.

**Requested Variances:**

LDC Section:	LDC Requirement:	Variance:	Result:
6.07.02.C.1.a	Fences over 4 feet in height shall not be located within the required front yards, except under certain circumstances which do not apply to this case.	4 feet	8-foot-high wall around the entire property.
6.07.02.C.1.f	The maximum fence height shall be 6 feet, except under certain circumstances that do not apply to this case.	2 feet	8-foot-high wall around the entire property.
6.06.03.1.2.a	Rural Scenic Roadways. In rural areas, in the AM, A, AR, AE, PEC 1/2, and RES-1 Comprehensive Land Use Plan classifications there shall be a 30-foot scenic easement provided, which shall be left in a natural state, unless actively used for agricultural purposes. Land in agricultural use may continue in agricultural use.	Allow an 8-foot-high wall to be placed inside the scenic corridor.	An 8-foot-high wall within the rural scenic easement area.

**Findings:**

- The property received a citation from the Building and Construction Services for failure to provide Residential New Construction and Additions Permit for electrical/plumbing rough-in work completed, perimeter concrete wall, and other structures. Record number HC-CMP-24-0000499.
- The fence/wall requirements in the Design Sec. 3.08.06 of the Keystone – Odessa Community Plan (3.08.00) is required for developers, Homeowners Associations, or similar entities and would not be required or applicable for single family homeowners.

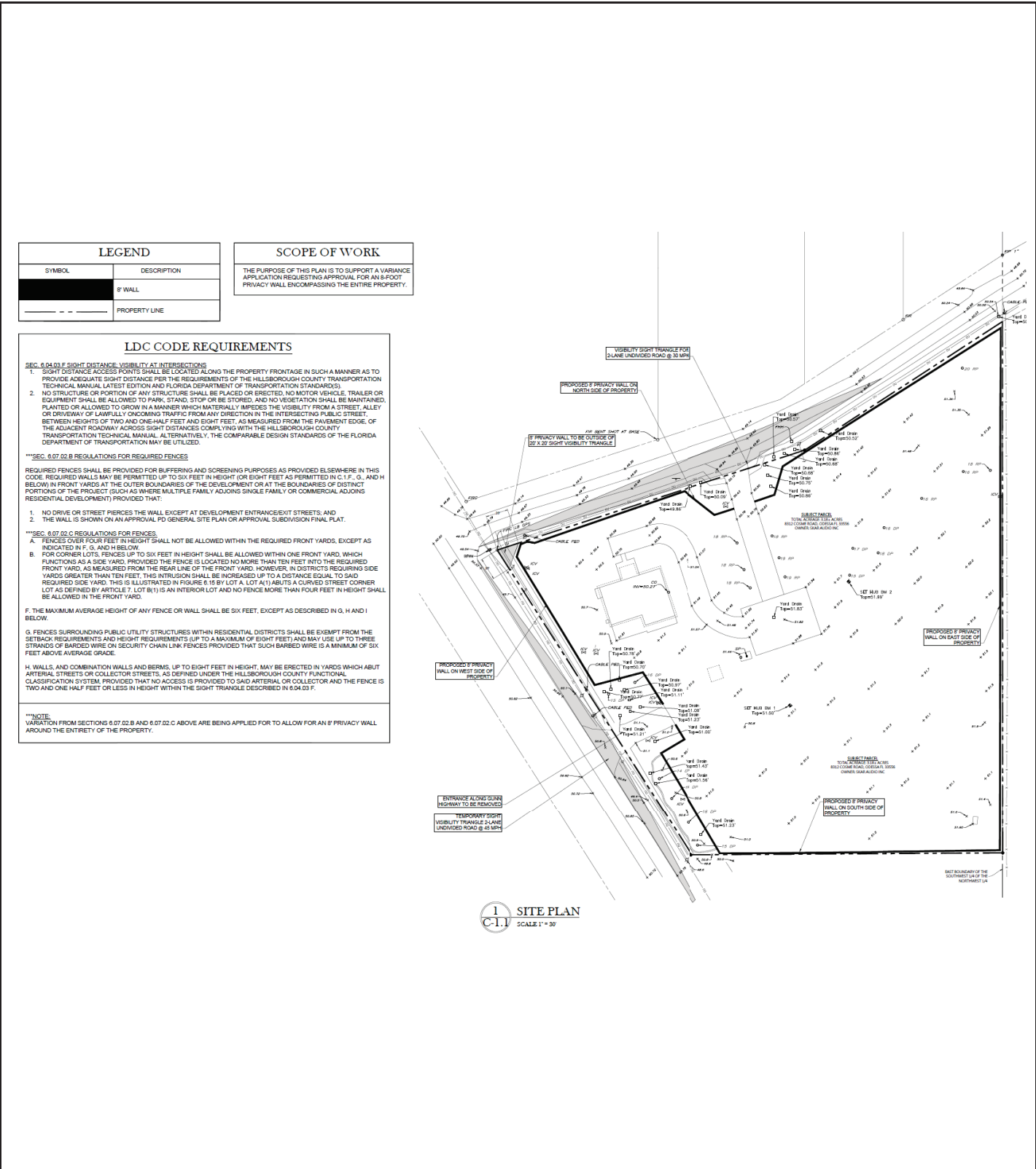
**Zoning Administrator Sign Off:**

Colleen Marshall  
Mon May 12 2025 14:53:43

**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.

See Exhibit A

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

Section 6.07.02

### 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): Citation; HC-BLD-24-0065566
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



## 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?

See Exhibit A

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.

See Exhibit A

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.

See Exhibit A

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*).

See Exhibit A

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.

See Exhibit A

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.

See Exhibit A





## Cosme Road Variance Response – Exhibit A

Date: 2025/02/27  
Project: 25008, 8312 Cosme Road Wall Variance

### Exhibit A

#### Project Description (Variance Request)

The applicant requests a variance to allow for an 8-foot perimeter wall surrounding the entirety of the subject property, which exceeds the 6-foot maximum permitted height under Hillsborough County Land Development Code (LDC) Section 6.07.02. The property, located at 8312 Cosme Road, Odessa, FL 33556, is uniquely positioned at the intersection of a collector roadway (Cosme Road) and an arterial roadway (Gunn Highway), requiring enhanced screening and security measures.

The subject property is zoned ASC-1 (Agricultural, Single-Family Conventional 1 Unit per Acre) and has a future land use designation of R-1 (Residential-1). It is directly adjacent to institutional, single-family residential, and agricultural uses, presenting distinct challenges in maintaining privacy, mitigating noise, and ensuring security.

The LDC permits 8-foot walls along arterial roadways under Section 6.07.02.C.1.h; however, the current code restricts the height of perimeter fencing along the remaining sides to 6 feet. This discrepancy results in an inconsistent barrier that diminishes security, noise mitigation, and privacy, particularly given the property's unique location at a high-traffic intersection. This variance seeks to resolve this inconsistency by allowing an 8-foot perimeter wall on all sides, ensuring a uniform, secure, and effective enclosure.

Enhanced landscaping will be incorporated along the wall frontage to ensure effective screening and elevate the visual appeal of the streetscape. An 8-foot-tall hedge, complemented by stately royal palms, will line the wall, as illustrated in Figures 3,5,7, and 9. Additionally, any portions of the existing privacy wall currently located within the right-of-way (ROW) will be removed and reconstructed in compliance with the allowable wall locations outlined in the Land Development Code (LDC).

## Variance Criteria Response

### 1. Unique Hardship or Practical Difficulties

The hardships associated with this variance request are unique to the subject property due to its location on a corner lot with frontage along both an arterial and collector road. While other properties in the area may be subject to height restrictions, this property is uniquely impacted because:

LDC Section 6.07.02.C.1.h permits an 8-foot wall only along Gunn Highway, but restricts the remaining perimeter to 6 feet.

This creates an inconsistent barrier that diminishes privacy, security, and noise mitigation—challenges not commonly faced by properties without multiple frontages.

The property's adjacency to institutional, residential, and agricultural land uses increases privacy concerns and exposure to incompatible uses, further justifying an enhanced perimeter enclosure (see Figure 1). In particular, the agricultural and institutional uses generate increased traffic within the vicinity, reinforcing the necessity for higher walls to mitigate impacts and ensure greater privacy for the subject property.

Additionally, the wall has already been constructed, and requiring its complete removal would impose a substantial financial burden on the applicant. However, the applicant is fully prepared to demolish and reconstruct only the portions of the wall that encroach into the right-of-way (ROW) to ensure compliance. This hardship is unique and not commonly encountered by similarly situated properties, further justifying the requested consideration.

### 2. Deprivation of Rights Under the LDC

The literal enforcement of the LDC would deprive the applicant of rights commonly enjoyed by other properties in the same district, specifically:

Many properties within similar zoning classifications are permitted to construct 8-foot walls when fronting arterial roads, but due to this property's unique corner lot status, only a partial perimeter wall at 8 feet is permitted, creating an inequitable restriction.

Without this variance, the property is exposed to increased noise levels, security concerns,

and diminished privacy, all of which could be mitigated with a uniform 8-foot perimeter enclosure.

- The single-family residence at 9921 Surya Kiran Pl, Tampa, features perimeter walls exceeding 8 feet in height, enclosing the entire property. This parcel, situated on a corner lot similar to the subject property (see Figures 10 and 11).
- The Keystone Manners Subdivision is enclosed by 8-foot-8-inch walls along its entire perimeter. Located along Gunn Highway, like the subject property, this subdivision includes a wall height exceeding the 8-foot limit (see Figures 12 and 13).
- The subdivision at 8806 Bayaud Dr, Tampa, maintains a consistent 9-foot-6-inch perimeter wall height, enclosing the entire neighborhood, including those not adjacent to roadways (see Figures 14 and 15).
- The Sheldon West Subdivision features 9-foot perimeter wall height, enclosing the entire neighborhood, including those not adjacent to roadways (see Figures 16 and 17).

Granting this variance would provide the same protections and rights as other similarly situated properties, ensuring fair and equitable application of the Land Development Code.

### **3. No Substantial Interference with Neighboring Properties**

The property owner began preliminary construction activities under the assumption that all necessary approvals were forthcoming. However, construction documents are still being finalized, and permit applications remain in progress. As a result, the county has issued a violation under record HC-CE-25-000455, and the engineer of record has issued a stop-work order to ensure compliance with all regulatory requirements. The owner is actively working to resolve the matter in coordination with the appropriate authorities.

The proposed variance will not interfere with or injure the rights of neighboring properties because:

The wall is consistent with existing land development patterns, particularly for properties along arterial roads where increased screening and noise mitigation are essential. The wall will enhance privacy for adjacent residential properties, rather than negatively impacting them.

Sightline concerns have been addressed by ensuring that the structure complies with Hillsborough County's sight triangle requirements (LDC Sec. 6.04.03.F).

The variance will ensure that the property maintains aesthetically appropriate and functional screening, enhancing the overall neighborhood character.

#### **4. Alignment with the Intent and Purpose of the LDC & Comprehensive Plan**

This variance is fully in harmony with the LDC and Comprehensive Plan, which emphasize:

Public health, safety, and welfare (LDC Sec. 1.02.02) – The 8-foot wall enhances security and privacy, providing a safer environment for residents.

Neighborhood compatibility (Comprehensive Plan Sec. 1.02.03) – The variance will preserve the character of the surrounding area, reduce conflicts between incompatible land uses, and promote community stability.

Flexibility for unique site conditions – The Comprehensive Plan supports accommodating unique land use challenges. The corner lot's exposure to high-traffic roads necessitates enhanced screening, justifying the need for an 8-foot uniform perimeter.

#### **5. Not a Self-Imposed Hardship**

This variance request is not the result of an illegal act or a self-imposed hardship.

The site conditions and regulatory framework necessitate this variance—the applicant is not seeking relief due to personal design preferences.

The corner lot location and road classifications impose unique privacy, noise, and security concerns, requiring a higher level of screening.

The LDC's arbitrary 6-foot restriction on portions of the perimeter creates a hardship beyond the applicant's control.

#### **6. Substantial Justice & Public Benefit**

Granting the variance will ensure substantial justice, balancing public benefits and individual property rights.



## Cosme Road Wall Variance – Exhibit A

The public interest is preserved, as the variance does not negatively impact adjacent properties, traffic safety, or community aesthetics.

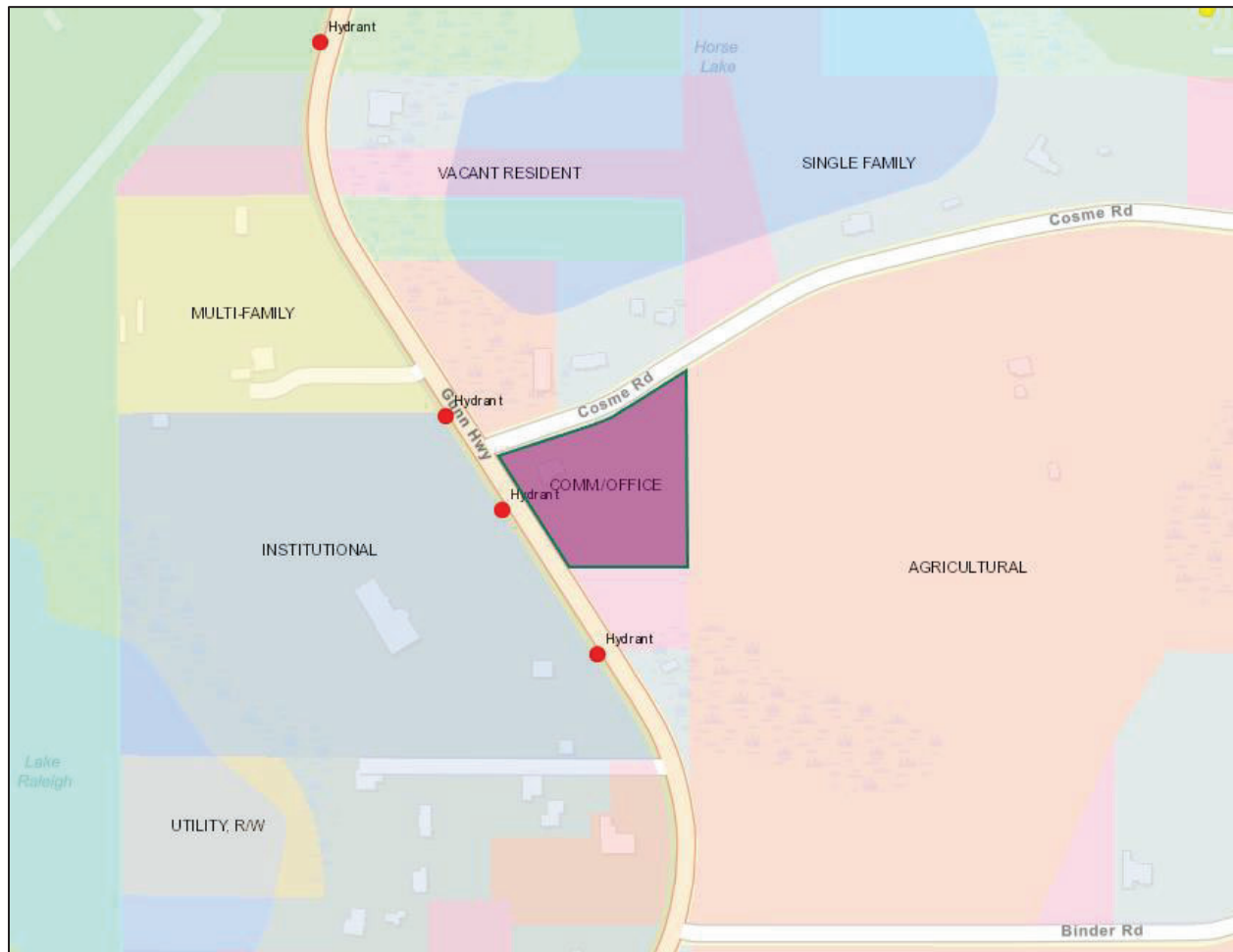
The wall has already been constructed, and requiring its removal would impose undue financial hardship without delivering any corresponding public benefit.

The variance ensures the property remains consistent with the surrounding development pattern, while maintaining the highest standards of security and privacy.

Failure to grant this variance would create an ineffective and inconsistent barrier, subjecting the property to unnecessary exposure, noise intrusion, and security risks. Allowing the 8-foot perimeter ensures equitable treatment under the LDC, while also aligning with community planning objectives.

## Cosme Road Wall Variance – Exhibit A

Figures:



**Figure 1:** Existing Land Use Map of Surrounding Vicinity

**Before and After Comparison of Northeast Corner View of Property from Cosme Road**



**Figure 2:** Before photo of the view from the northeast of the subject property along Cosme Road.



**Figure 3:** Current view from the northeast corner on Cosme Road



**Before and After Comparison of Property Frontage from Cosme Road**



**Figure 4:** Before photo of the view from the north of the subject property along Cosme Road.



**Figure 5:** Current view at the driveway entrance along Cosme Road



**Before and After Comparison of Property Frontage at the intersection of Gunn Hwy and Cosme Rd**



**Figure 6:** Before photo of the view from the corner of Cosme Road and Gunn Hwy



**Figure 7:** Current view at the corner of Gunn Hwy and Cosme Road



**Before and After Comparison of Property Frontage along Gunn Hwy**



**Figure 8:** Before photo of the view from Gunn Hwy



**Figure 9:** Current view along Gunn Hwy



**Nearby Properties with Exceeding Wall Heights within the Surrounding Vicinity**



**Figure 10:** 10'-8" Wall at Property 9921 Surya Kiran Pl, Tampa



**Figure 11:** 10'-8" Wall Section at Property 9921 Surya Kiran Pl, Tampa





**Figure 12:** 8'-8" Wall Section at Keystone Manners Subdivision





**Figure 13:** 8'-8" Wall Section at Keystone Manners Subdivision





**Figure 14:** 9'-6" Wall Section at Property 8806 Bayaud Dr, Tampa





**Figure 15:** 9'-6" Wall Section at Property 8806 Bayaud Dr, Tampa





**Figure 16:** 9' Wall Section at Sheldon West Subdivision





**Figure 17:** 9' Wall Section at Sheldon West Subdivision



# Additional / Revised Information Sheet

**Office Use Only**

**Application Number:**

**Received Date:**

**Received By:**

The following form is required when submitted changes for any application that was previously submitted. A cover letter must be submitted providing a summary of the changes and/or additional information provided. If there is a change in project size the cover letter must list any new folio number(s) added. Additionally, **the second page of this form must be included indicating the additional/revised documents being submitted with this form.**

Application Number: VAR 25-0598 Applicant's Name: Michael Hoffman

Reviewing Planner's Name: Carolanne Peddle Date: 04/29/25

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): 05/27/25

## Important Project Size Change Information

Changes to project size may result in a new hearing date as all reviews will be subject to the established cut-off dates.

Will this revision add land to the project? ☐ Yes ☒ No

If "Yes" is checked on the above please ensure you include all items marked with \* on the last page.

Will this revision remove land from the project? ☐ Yes ☒ No

If "Yes" is checked on the above please ensure you include all items marked with \* on the last page.

**Email this form along with all submittal items indicated on the next page in pdf form to:**

**[ZoningIntake-DSD@hcflgov.net](mailto:ZoningIntake-DSD@hcflgov.net)**

Files must be in pdf format and minimum resolution of 300 dpi. Each item should be submitted as a separate file titled according to its contents. All items should be submitted in one email with application number (including prefix) included on the subject line. Maximum attachment(s) size is 15 MB.

For additional help and submittal questions, please call (813) 277-1633 or email [ZoningIntake-DSD@hcflgov.net](mailto:ZoningIntake-DSD@hcflgov.net).

***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.***

**Michael W  
Hoffman**

Signature

Digitally signed by  
Michael W Hoffman

Date: 2025.04.29 10:19:06  
-04'00'



**Hillsborough  
County Florida**  
Development Services

## Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to [Chapter 119 Florida Statutes](#), all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers.

While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications. If your application requires a public hearing and contains sensitive/protected information, please contact [Hillsborough County Development Services](#) to determine what information will need to be disclosed as part of the public hearing process.

Additionally, parcels exempt under [Florida Statutes §119.071\(4\)](#) will need to contact [Hillsborough County Development Services](#) to obtain a release of exempt parcel information.

**Are you seeking an exemption from public disclosure of selected information submitted with your application pursuant to Chapter 119 FS?** ☐ Yes ☒ No

I hereby confirm that the material submitted with application \_\_\_\_\_

☐ Includes sensitive and/or protected information.

Type of information included and location \_\_\_\_\_

☒ Does not include sensitive and/or protected information.

**Please note:** Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.

If an exemption is being sought, the request will be reviewed to determine if the applicant can be processed with the data being held from public view. Also, by signing this form I acknowledge that any and all information in the submittal will become public information if not required by law to be protected.

Signature: \_\_\_\_\_

**Michael W  
Hoffman**

Digitally signed by Michael  
W Hoffman

Date: 2025.04.29 10:19:23

(Must be signed by applicant or authorized representative)

0400

Intake Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_





# Additional / Revised Information Sheet

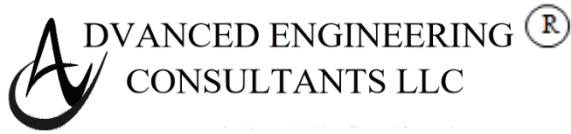
Please indicate below which revised/additional items are being submitted with this form.

Included	Submittal Item
1 <input checked="" type="checkbox"/>	<b>Cover Letter**</b> If adding or removing land from the project site, the final list of folios must be included
2 <input checked="" type="checkbox"/>	<b>Revised Application Form**</b>
3 <input type="checkbox"/>	<b>Copy of Current Deed*</b> Must be provided for any new folio(s) being added
4 <input type="checkbox"/>	<b>Affidavit to Authorize Agent*</b> (If Applicable) Must be provided for any new folio(s) being added
5 <input type="checkbox"/>	<b>Sunbiz Form*</b> (If Applicable) Must be provided for any new folio(s) being added
6 <input type="checkbox"/>	<b>Property Information Sheet**</b>
7 <input type="checkbox"/>	<b>Legal Description of the Subject Site**</b>
8 <input type="checkbox"/>	<b>Close Proximity Property Owners List**</b>
9 <input type="checkbox"/>	<b>Site Plan**</b> All changes on the site plan must be listed in detail in the Cover Letter.
10 <input type="checkbox"/>	<b>Survey</b>
11 <input type="checkbox"/>	<b>Wet Zone Survey</b>
12 <input type="checkbox"/>	<b>General Development Plan</b>
13 <input type="checkbox"/>	<b>Project Description/Written Statement</b>
14 <input type="checkbox"/>	<b>Design Exception and Administrative Variance requests/approvals</b>
15 <input checked="" type="checkbox"/>	<b>Variance Criteria Response</b>
16 <input type="checkbox"/>	<b>Copy of Code Enforcement or Building Violation</b>
17 <input type="checkbox"/>	<b>Transportation Analysis</b>
18 <input type="checkbox"/>	<b>Sign-off form</b>
19 <input type="checkbox"/>	<b>Other Documents</b> (please describe): <hr/> <hr/> <hr/> <hr/>

\*Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

\*\*Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.





10009 Gallant Lane  
Tampa, FL 33625  
Email: [mhoffman@advanced-engineers.com](mailto:mhoffman@advanced-engineers.com)  
Phone: 321-794-6465

Michael W. Hoffman P.E.  
Engineering Certificate of Authorization: 28038  
Professional Engineering License: 67584  
[www.advanced-engineers.com](http://www.advanced-engineers.com)

### Plans Examiner Response

Date: 04/29/2025

Drawing sheets are controlled and revised at the sheet level.

Project Address: 8312 Cosme Road

Permit Number: VAR 25-0598

Advanced Engineering Job Number: 25008

This letter is to provide a response the comments from the Hillsborough County Plans Examiner

1. After my initial review I see that the property is located along the Gunn Highway Rural Scenic Corridor. Per LDC Sec. 6.06.03.1.2.a, there shall be a 30-foot scenic easement along the designated corridor. Please submit a revised request and Variance Request form with an additional Variance Criteria Responses (VCR). Please note that the two request (fence height and landscape requirements) need to have separate VCR forms. With the revisions, please provide the setbacks of the fence along Gunn Highway. Please feel free to reach out if you have any question.

Response: An additional VCR has been included for the landscape requirements and the setback of the fence along Gunn Hwy has been included, as well.

Michael W. Hoffman, State of Florida, Professional Engineer, License No. 67584

This item has been digitally signed and sealed by [Michael Hoffman] on the date indicated here.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electrical copies.



## 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?

See Exhibit A

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.

See Exhibit A

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.

See Exhibit A

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*).

See Exhibit A

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.

See Exhibit A

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.

See Exhibit A

## Cosme Road Variance Response – Exhibit A



Date: 2025/04/15  
Project: 25008, 8312 Cosme Road Wall Variance

## Exhibit A

### Project Description (Variance Request)

The applicant requests a variance to allow for an 8-foot perimeter wall surrounding the entirety of the subject property located at 8312 Cosme Road, Odessa, FL 33556. This exceeds the 6-foot maximum permitted height under Hillsborough County Land Development Code (LDC) Section 6.07.02. The subject property is uniquely positioned at the intersection of a collector roadway (Cosme Road) and an arterial roadway (Gunn Highway), requiring enhanced screening and security measures to address impacts from higher traffic volumes and adjacent land uses.

The property is zoned ASC-1 (Agricultural, Single-Family Conventional 1 Unit per Acre) and has a future land use designation of R-1 (Residential-1). It is bordered by institutional, single-family residential, and agricultural properties, which presents unique challenges in balancing privacy, noise mitigation, and security for the residents.

Under LDC Section 6.07.02.C.1.h, an 8-foot wall is permitted along arterial roadways; however, the remaining property boundaries are limited to 6 feet in height. This creates an inconsistent barrier along the perimeter, diminishing overall security and functional effectiveness. This variance seeks to resolve that inconsistency by permitting an 8-foot wall on all sides of the property. The proposed wall will be set back a 2 feet from the property line, aside from the portion of the wall along Gunn Hwy, which will be set back 10'.

In addition, the applicant requests a variance to allow the 8-foot wall to be located within the required 30-foot scenic corridor established under Section 3.01.06. SPI-NDM: North Dale Mabry Overlay District of the Hillsborough County Land Development Code. The scenic corridor applies along Gunn Highway, an arterial roadway, and is intended to preserve visual quality and enhance the aesthetic experience for the traveling public.

To respect the intent of the scenic corridor designation, the wall will be placed at the maximum permitted setback of 10 feet from the corridor boundary, preserving ample room for landscape treatments. A robust planting design will be implemented within the 30-foot

## Cosme Road Wall Variance – Exhibit A

corridor, including an 8-foot-tall hedge, royal palms, and supplemental ornamental species. These elements will soften the appearance of the wall and maintain the visual openness envisioned by the overlay district. On all other boundaries (other than Gunn Hwy) the wall shall be placed 2 feet from the property line.

The proposed wall will be constructed of high-quality masonry materials with architectural detailing, ensuring a visually appealing design that complements the surrounding development context and exceeds typical privacy wall standards.

Any existing wall segments currently located within the public right-of-way will be removed and reconstructed in compliance with the location requirements set forth in the LDC.

This dual variance request promotes consistency and security along the property perimeter, enhances privacy and safety, and preserves the character and aesthetic goals of the North Dale Mabry Overlay District through thoughtful placement and landscape integration.

### Variance Criteria Response

#### 1. Unique Hardship or Practical Difficulties

The hardships associated with this variance request are unique to the subject property due to its location on a corner lot with frontage along both an arterial and collector road. While other properties in the area may be subject to height restrictions, this property is uniquely impacted because:

LDC Section 6.07.02.C.1.h permits an 8-foot wall only along Gunn Highway, but restricts the remaining perimeter to 6 feet.

This creates an inconsistent barrier that diminishes privacy, security, and noise mitigation—challenges not commonly faced by properties without multiple frontages.

The property's adjacency to institutional, residential, and agricultural land uses increases privacy concerns and exposure to incompatible uses, further justifying an enhanced perimeter enclosure (see Figure 1). In particular, the agricultural and institutional uses generate increased traffic within the vicinity, reinforcing the necessity for higher walls to mitigate impacts and ensure greater privacy for the subject property.

Additionally, the wall has already been constructed, and requiring its complete removal



## Cosme Road Wall Variance – Exhibit A

would impose a substantial financial burden on the applicant. However, the applicant is fully prepared to demolish and reconstruct only the portions of the wall that encroach into the right-of-way (ROW) to ensure compliance. This hardship is unique and not commonly encountered by similarly situated properties, further justifying the requested consideration.

## 2. Deprivation of Rights Under the LDC

The literal enforcement of the LDC would deprive the applicant of rights commonly enjoyed by other properties in the same district, specifically:

Many properties within similar zoning classifications are permitted to construct 8-foot walls when fronting arterial roads, but due to this property's unique corner lot status, only a partial perimeter wall at 8 feet is permitted, creating an inequitable restriction. Without this variance, the property is exposed to increased noise levels, security concerns, and diminished privacy, all of which could be mitigated with a uniform 8-foot perimeter enclosure.

- The single-family residence at 9921 Surya Kiran Pl, Tampa, features perimeter walls exceeding 8 feet in height, enclosing the entire property. This parcel, situated on a corner lot similar to the subject property (see Figures 10 and 11).
- The Keystone Manners Subdivision is enclosed by 8-foot-8-inch walls along its entire perimeter. Located along Gunn Highway, like the subject property, this subdivision includes a wall height exceeding the 8-foot limit (see Figures 12 and 13).
- The subdivision at 8806 Bayaud Dr, Tampa maintains a consistent 9-foot-6-inch perimeter wall height, enclosing the entire neighborhood, including those not adjacent to roadways (see Figures 14 and 15).
- The Sheldon West Subdivision features 9-foot perimeter wall height, enclosing the entire neighborhood, including those not adjacent to roadways (see Figures 16 and 17).

Granting this variance would provide the same protections and rights as other similarly situated properties, ensuring fair and equitable application of the Land Development Code.

## 3. No Substantial Interference with Neighboring Properties

The property owner began preliminary construction activities under the assumption that all necessary approvals were forthcoming. However, construction documents are still being finalized, and permit applications remain in progress. As a result, the county has issued a violation under record HC-CE-25-000455, and the engineer of record has issued a stop-

## Cosme Road Wall Variance – Exhibit A

work order to ensure compliance with all regulatory requirements. The owner is actively working to resolve the matter in coordination with the appropriate authorities.

The proposed variance will not interfere with or injure the rights of neighboring properties because:

The wall is consistent with existing land development patterns, particularly for properties along arterial roads where increased screening and noise mitigation are essential. The wall will enhance privacy for adjacent residential properties, rather than negatively impacting them.

Sightline concerns have been addressed by ensuring that the structure complies with Hillsborough County's sight triangle requirements (LDC Sec. 6.04.03.F).

The variance will ensure that the property maintains aesthetically appropriate and functional screening, enhancing the overall neighborhood character.

### **4. Alignment with the Intent and Purpose of the LDC & Comprehensive Plan**

This variance is fully in harmony with the LDC and Comprehensive Plan, which emphasize:

Public health, safety, and welfare (LDC Sec. 1.02.02) – The 8-foot wall enhances security and privacy, providing a safer environment for residents.

Neighborhood compatibility (Comprehensive Plan Sec. 1.02.03) – The variance will preserve the character of the surrounding area, reduce conflicts between incompatible land uses, and promote community stability.

Flexibility for unique site conditions – The Comprehensive Plan supports accommodating unique land use challenges. The corner lot's exposure to high-traffic roads necessitates enhanced screening, justifying the need for an 8-foot uniform perimeter.

### **5. Not a Self-Imposed Hardship**

This variance request is not the result of an illegal act or a self-imposed hardship.

The site conditions and regulatory framework necessitate this variance—the applicant is not seeking relief due to personal design preferences.

Cosme Road Wall Variance – Exhibit A

The corner lot location and road classifications impose unique privacy, noise, and security concerns, requiring a higher level of screening.

The LDC's arbitrary 6-foot restriction on portions of the perimeter creates a hardship beyond the applicant's control.

## **6. Substantial Justice & Public Benefit**

Granting the variance will ensure substantial justice, balancing public benefits and individual property rights.

The public interest is preserved, as the variance does not negatively impact adjacent properties, traffic safety, or community aesthetics.

The wall has already been constructed, and requiring its removal would impose undue financial hardship without delivering any corresponding public benefit.

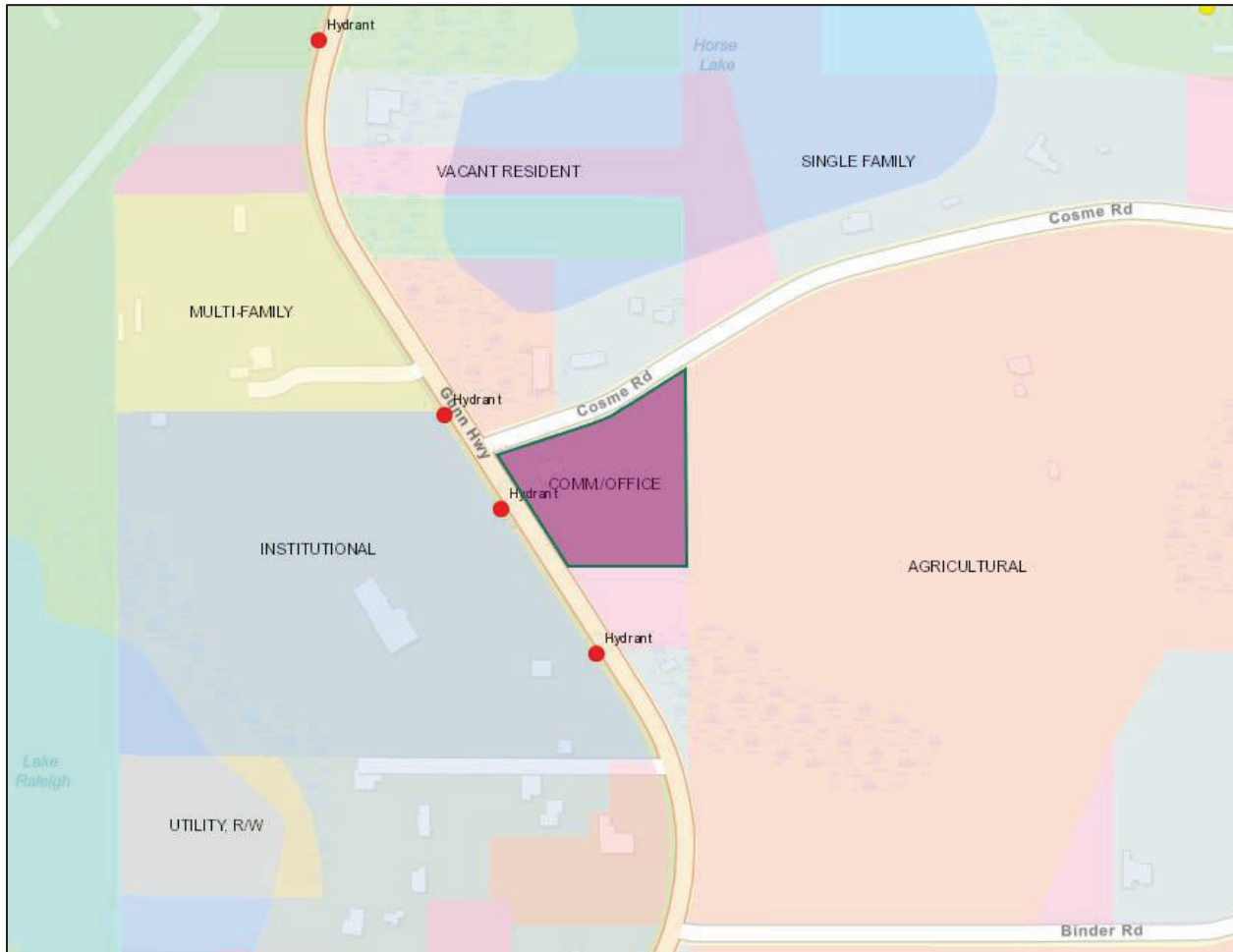
The variance ensures the property remains consistent with the surrounding development pattern, while maintaining the highest standards of security and privacy.

Failure to grant this variance would create an ineffective and inconsistent barrier, subjecting the property to unnecessary exposure, noise intrusion, and security risks. Allowing the 8-foot perimeter ensures equitable treatment under the LDC, while also aligning with community planning objectives.



Cosme Road Wall Variance – Exhibit A

Figures:



**Figure 1:** Existing Land Use Map of Surrounding Vicinity

Cosme Road Wall Variance – Exhibit A

Before and After Comparison of Northeast Corner View of Property from Cosme Road



**Figure 2:** Before photo of the view from the northeast of the subject property along Cosme Road.



**Figure 3:** Current view from the northeast corner on Cosme Road



Cosme Road Wall Variance – Exhibit A

Before and After Comparison of Property Frontage from Cosme Road



**Figure 4:** Before photo of the view from the north of the subject property along Cosme Road.



**Figure 5:** Current view at the driveway entrance along Cosme Road



Cosme Road Wall Variance – Exhibit A

Before and After Comparison of Property Frontage at the intersection of Gunn Hwy and Cosme Rd



**Figure 6:** Before photo of the view from the corner of Cosme Road and Gunn Hwy



**Figure 7:** Current view at the corner of Gunn Hwy and Cosme Road



Cosme Road Wall Variance – Exhibit A

Before and After Comparison of Property Frontage along Gunn Hwy



**Figure 8:** Before photo of the view from Gunn Hwy



**Figure 9:** Current view along Gunn Hwy



Cosme Road Wall Variance – Exhibit A

Nearby Properties with Exceeding Wall Heights within the Surrounding Vicinity



Figure 10: 10'-8" Wall at Property 9921 Surya Kiran Pl, Tampa



Cosme Road Wall Variance – Exhibit A



**Figure 11:** 10'-8" Wall Section at Property 9921 Surya Kiran Pl, Tampa



Cosme Road Wall Variance – Exhibit A



**Figure 12:** 8'-8" Wall Section at Keystone Manners Subdivision



Cosme Road Wall Variance – Exhibit A



**Figure 13:** 8'-8" Wall Section at Keystone Manners Subdivision



Cosme Road Wall Variance – Exhibit A



**Figure 14:** 9'-6" Wall Section at Property 8806 Bayaud Dr, Tampa



Cosme Road Wall Variance – Exhibit A



**Figure 15:** 9'-6" Wall Section at Property 8806 Bayaud Dr, Tampa



Cosme Road Wall Variance – Exhibit A



**Figure 16:** 9' Wall Section at Sheldon West Subdivision



Cosme Road Wall Variance – Exhibit A



**Figure 17:** 9' Wall Section at Sheldon West Subdivision



**Hillsborough  
County Florida**  
Development Services

Application No: \_\_\_\_\_

## 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?

See Exhibit A

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.

See Exhibit A

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.

See Exhibit A

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*).

See Exhibit A

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.

See Exhibit A

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.

See Exhibit A



## Cosme Road Variance Response – Exhibit B



Date: 2025/04/15  
Project: 25008, 8312 Cosme Road Wall Variance

## Exhibit B

### Project Description (Variance Request)

The applicant requests a variance to allow for an 8-foot perimeter wall surrounding the entirety of the subject property located at 8312 Cosme Road, Odessa, FL 33556. This exceeds the 6-foot maximum permitted height under Hillsborough County Land Development Code (LDC) Section 6.07.02. The subject property is uniquely positioned at the intersection of a collector roadway (Cosme Road) and an arterial roadway (Gunn Highway), requiring enhanced screening and security measures to address impacts from higher traffic volumes and adjacent land uses.

The property is zoned ASC-1 (Agricultural, Single-Family Conventional 1 Unit per Acre) and has a future land use designation of R-1 (Residential-1). It is bordered by institutional, single-family residential, and agricultural properties, which presents unique challenges in balancing privacy, noise mitigation, and security for the residents.

Under LDC Section 6.07.02.C.1.h, an 8-foot wall is permitted along arterial roadways; however, the remaining property boundaries are limited to 6 feet in height. This creates an inconsistent barrier along the perimeter, diminishing overall security and functional effectiveness. This variance seeks to resolve that inconsistency by permitting an 8-foot wall on all sides of the property. The proposed wall will be set back a minimum of 2 feet from the property line.

In addition, the applicant requests a variance to allow the 8-foot wall to be located within the required 30-foot scenic corridor established under Section 3.01.06. SPI-NDM: North Dale Mabry Overlay District of the Hillsborough County Land Development Code. The scenic corridor applies along Gunn Highway, an arterial roadway, and is intended to preserve visual quality and enhance the aesthetic experience for the traveling public.

To respect the intent of the scenic corridor designation, the wall will be placed at the maximum permitted setback of 10 feet from the corridor boundary, preserving ample room for landscape treatments. A robust planting design will be implemented within the 30-foot

## Cosme Road Scenic Corridor Variance – Exhibit B

corridor, including an 8-foot-tall hedge, royal palms, and supplemental ornamental species. These elements will soften the appearance of the wall and maintain the visual openness envisioned by the overlay district.

The proposed wall will be constructed of high-quality masonry materials with architectural detailing, ensuring a visually appealing design that complements the surrounding development context and exceeds typical privacy wall standards.

Any existing wall segments currently located within the public right-of-way will be removed and reconstructed in compliance with the location requirements set forth in the LDC.

This dual variance request promotes consistency and security along the property perimeter, enhances privacy and safety, and preserves the character and aesthetic goals of the North Dale Mabry Overlay District through thoughtful placement and landscape integration.

### Variance Criteria Response

#### 1. Unique Hardship or Practical Difficulties

The subject property is uniquely located at the intersection of an arterial (Gunn Highway) and collector (Cosme Road), creating a high-visibility and high-traffic frontage that few other properties in the immediate area experience. This dual-frontage condition introduces elevated concerns regarding privacy, noise intrusion, and security, particularly for a residential use adjacent to institutional and agricultural parcels. The location within the SPI-NDM Overlay District further imposes a scenic corridor that restricts structural placement, which compounds the difficulty of achieving adequate screening. The need for a privacy wall in this location is specific to this parcel's unique exposure and adjacency to non-residential uses and major roadway activity.

#### 2. Deprivation of Rights Under the LDC

Strict application of the scenic corridor setback under Section 3.01.06 would prevent the placement of a solid wall within 30 feet of the right-of-way, depriving the property owner of the ability to establish a consistent privacy and security barrier around the parcel. Other residentially-zoned properties not subject to this overlay or not positioned along an arterial do not face the same limitation and are permitted to enclose their yards for security and aesthetic reasons. This restriction disproportionately impacts the applicant's ability to enjoy reasonable buffering and enclosure that is otherwise afforded to similarly zoned residential properties outside of the overlay district.



**3. No substantial Interference with Neighboring Properties**

The proposed wall will be set back 10 feet from the edge of the scenic corridor and will be screened with substantial landscaping, including tall hedges and decorative palms, consistent with the intent of the corridor. The design ensures that visual openness and aesthetic character are preserved, and the wall does not create visibility or access obstructions for adjacent properties or roadway users. No adjacent property owner's use or enjoyment will be negatively impacted, and the wall will instead contribute to a more attractive streetscape and privacy buffer.

**4. Alignment with the Intent and Purpose of the LDC & Comprehensive Plan**

The variance aligns with the intent of Sections 1.02.02 and 1.02.03 by promoting public safety, enhancing the aesthetic value of the built environment, and supporting residential compatibility. The scenic corridor requirements aim to preserve visual quality, which the applicant respects by setting the wall back 10 feet and installing a robust landscape buffer. The wall's high-quality masonry finish, combined with visually appealing planting, contributes to the corridor's character while addressing site-specific privacy and security needs—achieving a balance between public interest and private property rights.

**5. Not a Self-Imposed Hardship**

The hardship is not self-imposed but rather a result of the property's unique location within the SPI-NDM Overlay District and at the intersection of two significant roadways. These conditions impose stricter development constraints than would normally apply to similar ASC-1 zoned residential properties. The applicant is proactively seeking relief through the proper variance process before constructing any wall within the corridor, and no unpermitted activity has occurred.

**6. Substantial Justice & Public Benefit**

Granting the variance would allow the property owner to address legitimate safety, security, and privacy needs while still maintaining compliance with the visual and design intent of the scenic corridor. The proposed setback and enhanced landscaping will uphold the public benefit of a visually appealing streetscape. Conversely, denial of the variance would place an undue burden on the property owner by denying them a reasonable solution to mitigate the effects of an unusually exposed location. Approval ensures a fair outcome that honors both public and private interests.

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >



Prepared by:

**Evelynna E. Fernandez**

Westchase Title, LLC  
12029 Whitmarsh Lane  
Tampa, Florida 33626

File Number: 2024287

## Warranty Deed

Made this October 11, 2024 A.D. By **Migdiala Prats, a single woman and Osmany Luna Chaviano, a single man**, whose address is: 7013 Cobblewood Court, Tampa, Florida 33615, hereinafter called the grantor, to **Skar Audio Inc. a Florida Corporation**, whose post office address is: 9700 18th Street North, St. Petersburg, Florida 33716, 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 \$1,100,000.00 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:

A parcel of land lying in Section 26, Township 27 South, Range 17 East, Hillsborough County, Florida, described as follows:

Commencing at the intersection of the South boundary of the Southwest one-quarter of the Northwest one-quarter of Section 26, Township 27 South, Range 17 East, Hillsborough County, Florida, with the Easterly right-of-way line of Gunn Highway. Thence North 32 degrees 40 minutes 10 seconds West along the Easterly right-of-way line of Gunn Highway, a distance of 401.92 feet for the Point of Beginning. Thence North 32 degrees 40 minutes 10 seconds West along the Easterly right-of-way line of Gunn Highway, a distance of 150.0 feet to the Southerly right-of-way line of Cosme Road; thence North 71 degrees 57 minutes 50 seconds East, a distance of 290.02 feet; thence South 00 degrees 17 minutes 00 seconds East, a distance of 152.38 feet; thence South 71 degrees 57 minutes 50 seconds West, a distance of 205.75 feet to the Point of Beginning.

Parcel ID Number: **002487-0040**

**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

**Subject to current taxes, reservations, restrictions and easements of record, if any.**

*(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)*

**In Witness Whereof**, the said grantor has signed and sealed these presents the day and year first above written.

Prepared by:

**Evelynna E. Fernandez**

Westchase Title, LLC  
12029 Whitmarsh Lane  
Tampa, Florida 33626

File Number: 2024287

*Signed, sealed and delivered in our presence:*



Witness Signature

Witness Printed Name

Suzanne Prociwsky

Whose post office address is:

12029 Whitmarsh Ln, Tampa, FL 33626



Witness Signature

Witness Printed Name

Evelynna Fernandez

12029 Whitmarsh Ln, Tampa, FL 33626

Whose post office address is:



**Migdiala Prats**

(Seal)

Address: 7013 Cobblewood Court, Tampa, Florida 33615



**Osmany Luna Chaviano**

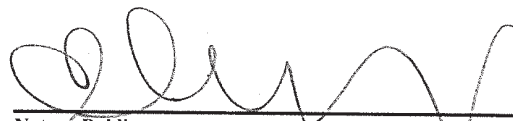
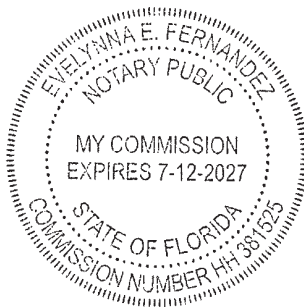
(Seal)

Address: 7013 Cobblewood Court, Tampa, Florida 33615

State of Florida

County of Hillsborough

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 8<sup>th</sup> day of October, 2024, by Migdiala Prats, a single woman and Osmany Luna Chaviano, a single man, who is/are personally known to me or who has produced D.L. as identification.



Notary Public

Print Name:

My Commission Expires:



03/12/2025

Development Services



**Hillsborough**  
**County Florida**  
Development Services

## Property/Applicant/Owner Information Form

### Official Use Only

Application No: 25-0598

Intake Date: 03/12/2025

Hearing(s) and type: Date: 05/27/2025

Type: LUHO

Receipt Number: 458824

Date: \_\_\_\_\_

Type: \_\_\_\_\_

Intake Staff Signature: *Alejandra Prado*

### Property Information

Address: 8312 Cosme Road

City/State/Zip: Odessa, FL 33556

TWN-RN-SEC: 26-27-17

Folio(s): 002487-0000

Zoning: ASC-1

Future Land Use: R-1

Property Size: 3.18

### Property Owner Information

Name: SKAR AUDIO INC

Daytime Phone \_\_\_\_\_

Address: 9700 18TH ST N

City/State/Zip: SAINT PETERSBURG, FL 33716-4201

Email: kevin@skaraudio.com

Fax Number \_\_\_\_\_

### Applicant Information

Name: SKAR AUDIO INC

Daytime Phone \_\_\_\_\_

Address: 9700 18TH ST N

City/State/Zip: SAINT PETERSBURG, FL 33716-4201

Email: kevin@skaraudio.com

Fax Number \_\_\_\_\_

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

Name: Advanced Engineering Consultants LLC

Daytime Phone 3217946465

Address: 10009 Gallant Lane

City/State/Zip: Tampa, FL 33625

Email: mhoffman@advanced-engineers.com

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

Kevin Schenker, CEO SKAR AUDIO INC

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)

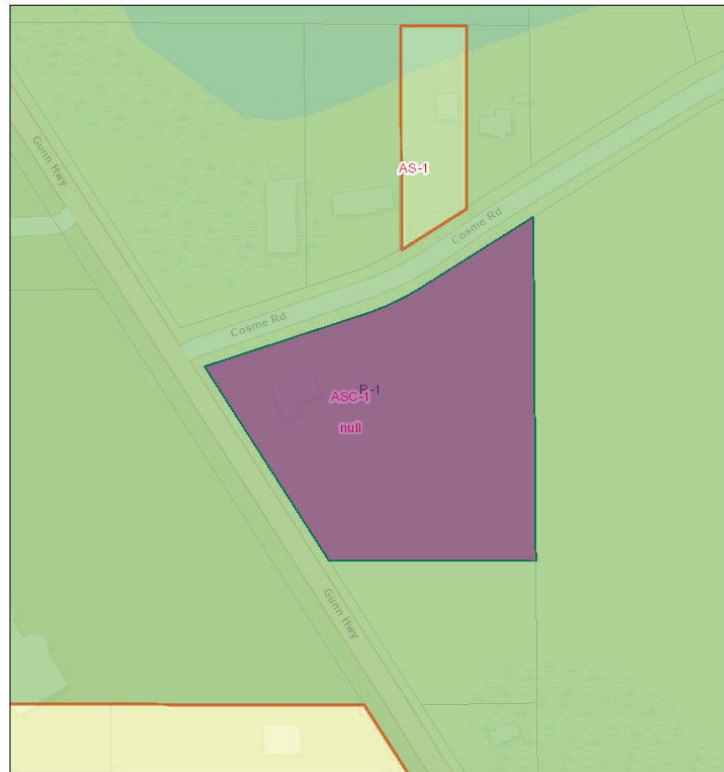
Type or print name



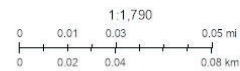
# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Overlay	null
Restr	null
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0180H
FIRM Panel	12057C0180H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120180F
County Wide Planning Area	Keystone Odessa
Community Base Planning Area	Keystone Odessa
Census Data	Tract: 011410 Block: 1003
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 2487.0000



March 12, 2025



Edits: Esri Community Maps Contributors, City of Tampa, County of Pinellas, FDEP, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc. MET/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Hillsborough County Florida

**Folio:** 2487.0000  
**PIN:** U-26-27-17-ZZZ-000000-19640.0  
**Skar Audio Inc**  
**Mailing Address:**  
 9700 18th St N  
 null  
 Saint Petersburg, FL 33716-4201  
**Site Address:**  
 8312 Cosme Rd  
 Odessa, FL 33556  
**SEC-TWN-RNG:** 26-27-17  
**Acreage:** 3.13  
**Market Value:** \$881,500.00  
**Landuse Code:** 1740 COMM./OFFICE

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for:

1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.