



# LAND USE HEARING OFFICER AGENDA - FINAL

10:00 A.M. MONDAY, April 24, 2023

County Center 2nd Floor

WELCOME AND THANK YOU FOR YOUR PARTICIPATION IN COUNTY GOVERNMENT.

#### HEARING SCHEDULE:

The LUHO Hearing will Starts at 10:00 A.M., The Following Items on the Morning Agenda Will Be Heard Beginning at 10:00 A.M. With No New Petitions Starting After 5:00 P.M.: Special Uses (SU), Vested Rights (VR), Fee Waivers (FW), Reconsideration Requests, Appeals, Variances (VAR).

#### HEARING ORDER:

- CALL TO ORDER BY THE HEARING OFFICER
- CONSIDERATION OF CHANGES TO THE AGENDA
- HEARING FOR INDIVIDUAL CASES

WHEN ADDRESSING THE HEARING OFFICER, PLEASE STATE YOUR NAME AND ADDRESS INTO THE MICROPHONE.

IF YOU WISH TO SUBMIT ADDITIONAL MATERIALS REGARDING YOUR APPLICATION TO THE HEARING OFFICER, PLEASE PROVIDE A MINIMUM OF FIVE (5) COPIES OF EACH ITEM. PLEASE BE ADVISED THAT MATERIALS SUBMITTED BECOME PART OF THE PERMANENT RECORD AND CANNOT BE RETURNED.



In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the proceeding, and those seeking an interpreter, should contact the Customer Service Center at telephone number (813) 272-5900 or Hearing/Voice Impaired call 711 no later than 48 hours prior to the proceedings. This meeting is closed captioned for the hearing impaired.

## LUHO Hearing Agenda For April 24,2023

The following dates pertain only to applications heard at the April 24, 2023 hearing. The Hearing Officer shall file a Recommendation or Final Decision for each application on May 15, 2023.

For Appeals of Administrative Decisions (APP), the decision of the Hearing Officer is final.

For Variance (VAR) applications, the decision of the Hearing Officer may be appealed to the Land Use Appeals Board. An appeal of the Hearing Officer's decision must be filed with the Hillsborough County Development Services Department no later than 30 calendar days from the final decision date.

The participants at the LUHO public hearing shall consist of the Applicant, County Staff, County Agencies, Proponents, and Opponents, including the public and witnesses with relevant testimony. Each participant's presentation shall be limited in time as described below; however, the LUHO may grant additional time provided that good cause is shown.

The order of presentation for each petition is as follows:

- a. Applicant and witnesses; proposal: 15 minutes\*\*
- b. Administrator, summary of the applicant, County Staff and department findings: 5 minutes\*\*
- c. Planning Commission Staff; statement of compliance or non-compliance: 5 minutes
- d. Proponents; argument for the application: 15 minutes
- e. Opponents; argument against the application: 15 minutes
- f. Staff; amended recommendations, if any: 5 minutes
- g. Applicant; rebuttal and summation: 5 minutes

\*\*For Variance (VAR) applications, County Staff presents its findings before Applicant testimony.

To the maximum extent practicable, the public hearing shall be informal. The LUHO's decision or recommendation must be filed with the Clerk of the BOCC within fifteen (15) working days after the conclusion of the public hearing. Anyone wishing to receive a copy of the recommendation or decision by mail must supply the Clerk of the BOCC with his/her name, address, and a stamped, self-addressed envelope for that purpose.

Please call 813-272-5600 for further information.

**STANDING TO APPEAL AND ADDITIONAL EVIDENCE FOR VARIANCE REQUESTS  
AND APPEALS OF ADMINISTRATIVE DECISIONS**

The Land Use Hearing Officer Public Hearing for Variance Requests and Appeals of Administrative Decisions is the time for all interested citizens to present evidence and testimony. This evidence and testimony will be the only evidence subject to review by the appeal board if an appeal is filed. This means that, at the end of today's Public Hearing, the record closes and no new evidence may be submitted as part of the record. Any decision of the Land Use Hearing Officer may be appealed to the Land Use Appeals Board, except Appeals of Administrative Decisions.

The Appeals Board will only consider the Land Use Hearing Officer's decision and the record of the public hearing in making a final decision on petitions. The hearing shall be limited to the record on appeal and shall consist of oral argument by the Administrator, the party appealing the decision, and any interveners, each of whom may be represented by legal counsel.

The following shall have standing to appeal a decision of the Land Use Hearing Officer or to intervene in an appeal:

1. The Applicant
2. Any person or entity which appeared before the Land Use Hearing Officer, presented testimony or other evidence, and is adversely affected by the decision of the Land Use Hearing Officer.

It is the County Attorney Office's role to assure that no new evidence or testimony is allowed before the Appeals Board or the Land Use Hearing Officer. The County Attorney will recommend that the Appeals Board or the Land Use Hearing Officer disregard evidence or testimony which is not contained in the record. Any evidence presented which is outside the record made at today's public hearing could jeopardize the legality of the Appeals Board's decision and the presenter of that evidence could hurt his/her own cause. The requirements and limitations listed above shall apply to all appeals of Administrative Decisions being reviewed by the Land Use Hearing Officer during today's hearing.

The safest course of action is for you to write down your comments today and repeat those to the Appeals Board. Therefore, please be sure that all information which you wish to be heard by the Appeals Board is contained in the record today.

**A. LUHO WITHDRAWALS AND CONTINUANCES****A.1. SU-GEN 22-1657 Todd Scime**

This application is out of order to be heard and is being **CONTINUED** to the **May 22, 2023** LUHO.

**Attachments:** [22-1657](#)

**A.2. VAR 23-0005 Jon Grisar**

This application is out of order to be heard and is being **CONTINUED** to the **May 22, 2023** LUHO.

**Attachments:** [23-0005](#)

**A.3. VAR 23-0048 Teresa Hernandez Hernandez**

This application is out of order to be heard and is being **CONTINUED** to the **May 22, 2023** LUHO.

**Attachments:** [23-0048](#)

**A.4. SU-GEN 23-0106 Redlands Christian Migrant Assoc. Inc.**

This application has been **CONTINUED** by **STAFF** to the **May 22, 2023** LUHO.

**Attachments:** [23-0106](#)

**A.5. VAR 23-0142 Mark Bentley**

This application is out of order to be heard and is being **CONTINUED** to the **May 22, 2022** LUHO.

**Attachments:** [23-0142](#)

**A.6. VAR-WS 23-0164 Lee Ann Law**

This application is out of order to be heard and is being **CONTINUED** to the **May 22, 2023** LUHO.

**Attachments:** [23-0164](#)

- A.7. **VAR 23-0175 Jason Honesty**  
This application has been **WITHDRAWN** by the **PETITIONER**.

**Attachments:** [23-0175](#)

- A.8. **SU-AB 23-0177 First Watch Restaurants**  
This application has been **WITHDRAWN** by the **PETITIONER**.

**Attachments:** [23-0177](#)

- A.9. **VAR 23-0182 Bert Thomas**  
This application is out of order to be heard and is being **CONTINUED** to the **May 22, 2023** LUHO.

**Attachments:** [23-0182](#)

- A.10. **SU-AB 23-0187 El Patio Hookah Lounge**  
This application is being **CONTINUED** by **STAFF**.

**Attachments:** [23-0187](#)

- A.11. **SU-AB 23-0227 Phoenix Waters**  
This application is out of order to be heard and is being **CONTINUED** to the **May 22, 2023** LUHO.

**Attachments:** [23-0227](#)

- A.12. **VAR 23-0228 Claudia Valentine-Henry**  
This application has been **WITHDRAWN** by the **PETITIONER**.

**Attachments:** [23-0228](#)

**A.13. VAR 23-0276 David Scott Gembutis**

This application is out of order to be heard and is being **CONTINUED** to the **May 22, 2023** LUHO.

**Attachments:** [23-0276](#)

**B. VESTED RIGHTS**

**C. FEE WAIVER**

- C.1. FW 23-0274 Michael Aziz**  
LUHO Exception For Fee Waiver

**Attachments:** [23-0274](#)

- C.2. FW 23-0289 David Scott Gembutis**  
LUHO Exception For Fee Waiver

**Attachments:** [23-0289](#)

**D. REMANDS**

**E. RECONSIDERATION REQUESTS**

**F. SITE DEVELOPMENT VARIANCE REQUESTS**

- F.1. Application Number:** VAR 23-0220  
**Applicant:** Phoenix Waters, LLC  
**Location:** 6351 W. Waters Ave  
**Folio Number:** 4457.0500  
**Acreage (+/-):** 0.89 acres, more or less  
**Comprehensive Plan:** R-6  
**Service Area:** Urban  
**Existing Zoning:** PD (75-0211)  
**Request:** Requesting a Variance to Reduce Landscape Buffer Width

**Attachments:** [23-0220](#)

**G. SIGN VARIANCE REQUESTS**

- G.1. Application Number:** VAR 23-0214  
**Applicant:** 264 East 10th Street Inc, DBA Walmart Stores  
**Location:** 10327 S. Big Bend Rd  
**Folio Number:** 77771.9236  
**Acreage (+/-):** 5.4 acres, more or less  
**Comprehensive Plan:** UMU-20  
**Service Area:** Urban  
**Existing Zoning:** PD (03-0316)  
**Request:** Requesting a Sign Variance

**Attachments:** 23-0214

## H. VARIANCE (VAR) REQUESTS

- H.1. Application Number:** VAR 22-1422  
**Applicant:** Mike and Nicole Mezrah  
**Location:** 700 Ft NE of S. 52nd St. and Palm River Rd Intersection  
**Folio Number:** 043505.0000 & 043508.0000  
**Acreage (+/-):** 3.8 acres, more or less  
**Comprehensive Plan:** R-9  
**Service Area:** Urban  
**Existing Zoning:** RDC-12  
**Request:** Requesting a Variance to Fence Requirements.

**Attachments:** [22-1422](#)

- H.2. Application Number:** VAR 23-0126  
**Applicant:** James Hatton  
**Location:** 17896 Boy Scout Rd.  
**Folio Number:** 001497.0100  
**Acreage (+/-):** 12.71 acres, more or less  
**Comprehensive Plan:** A/R  
**Service Area:** Rural  
**Existing Zoning:** AR  
**Request:** Requesting a Variance to Accessory Dwelling Requirements.

**Attachments:** [23-0126](#)

**H.3. Application Number:** VAR 23-0200  
**Applicant:** Thomas & Casey Marvin  
**Location:** 3710 Bloomingdale Ave.  
**Folio Number:** 87251.2000  
**Acreege (+/-):** 2.149 acres, more or less  
**Comprehensive Plan:** R-4  
**Service Area:** Urban  
**Existing Zoning:** ASC-1  
**Request:** Requesting a Variance to Fence Requirements

**Attachments:** [23-0200](#)

**H.4. Application Number:** VAR 23-0204  
**Applicant:** Tammie Askew  
**Location:** 12509 Bronco Dr  
**Folio Number:** 4044.0696  
**Acreege (+/-):** 0.957 acres, more or less  
**Comprehensive Plan:** R-1  
**Service Area:** Urban  
**Existing Zoning:** ASC-1  
**Request:** Requesting a Variance to Fence Requirements, Lot Development Standards And to Accessory Structure Requirements.

**Attachments:** [23-0204](#)

**H.5. Application Number:** VAR 23-0213  
**Applicant:** Nathan & Jennifer Carter  
**Location:** 8601 W. Knights Griffin Rd.  
**Folio Number:** 80812.0125  
**Acreege (+/-):** 2.4 acres, more or less  
**Comprehensive Plan:** R-1  
**Service Area:** Rural  
**Existing Zoning:** AS-1, RS  
**Request:** Requesting a Variance to Accessory Dwelling Requirements.

**Attachments:** [23-0213](#)

**I. APPEAL (APP) REQUESTS**



**J. SPECIAL USES**

- J.1. Application Number:** SU-AB 22-1671  
**Applicant:** Amber Tew/APTew Services, LLC.  
**Location:** 11022 S. 41 Hwy.  
**Folio Number:** 050609.0000  
**Acreage (+/-):** 5.39 acres, more or less  
**Comprehensive Plan:** OC-20  
**Service Area:** Urban  
**Existing Zoning:** CG  
**Request:** Requesting a Special Use 4-COP Alcoholic Beverage Permit with Separation Waiver(s)

Attachments: [22-1671](#)