

**Variance Application:** VAR 25-0443

**LUHO Hearing Date:** March 31, 2025

**Case Reviewer:** Sam Ball



**Hillsborough  
County Florida**

**Development Services Department**

**Applicant:** Todd Pressman

**Zoning:**

PD

**Address/Location:** Southeast corner of N US Highway 41 and Brandermill/Leisey Road; Folio: 54191.0115

#### Request Summary

The applicant is requesting two variances to accommodate the construction of a ground sign (Sign D).

#### Requested Variances

LDC Section	LDC Requirement	Variance	Result
7.03.00.C.2.b.1	Maximum Sign Area: the maximum allowable aggregate sign area for each ground sign shall not exceed one square foot for each lineal foot of public street frontage on the street where the sign is located or 100 square feet, whichever is less, and no single sign face shall exceed 50 square feet in aggregate sign area.	134 square feet of additional aggregate monument sign area with up to 117 square feet of sign area per sign face.	A monument sign with 234 square feet of aggregate sign area where 100 square feet is the maximum allowed on a ground sign facing the intersection of N US Highway 41 and Brandermill/Leisey Road.
7.03.00.C.1.c	Minimum Monument Sign Setback: Monument signs shall be set back a minimum of 15 feet from the right-of-way line but shall be permitted an increase in height of one foot for each one foot of additional setback provided from the right-of-way line up to a maximum height of 30 feet when adjacent to expressways and arterials or 15 feet when adjacent to collectors and local roads.	18-foot setback reduction for a monument sign.	A 17-foot-tall monument sign with a ten-foot front setback from the N US Highway 41 and Brandermill Road Rights-of Way where 28 feet is required.

#### Findings

The subject sign of the proposed variance was approved to have 198 square feet of aggregate sign area with up to 99 square feet per face under variance 24-0190. Variance 24-0190 did not include a reduction of minimum setback requirements.

**Zoning Administrator Sign Off:**

*Colleen Marshall*

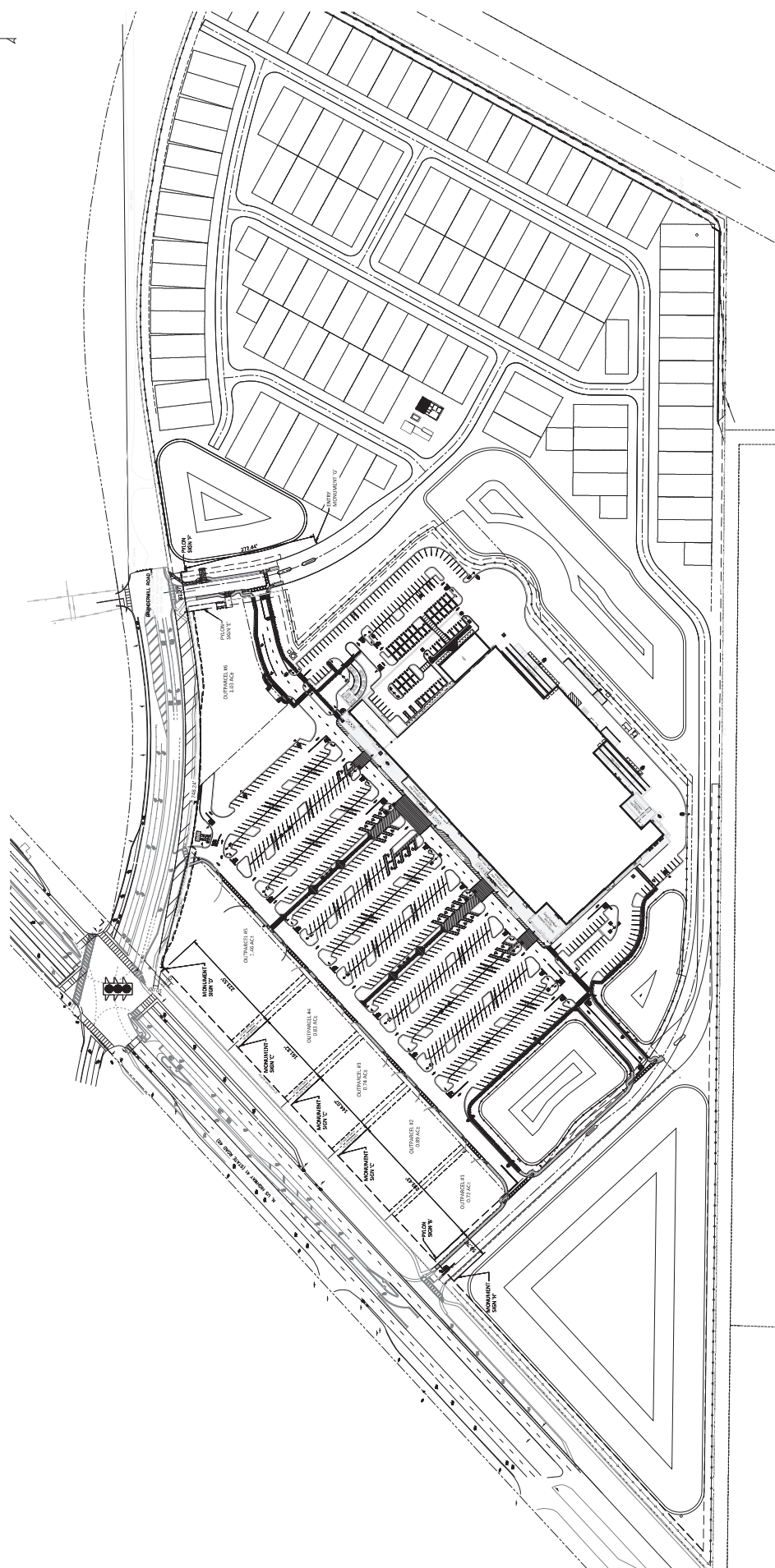
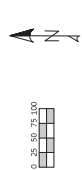
Colleen Marshall  
Tue Mar 11 2025 14:31:16

#### 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.

## 8.0 SURVEY/SITE PLAN/SIGN ILLUSTRATION

(see following page)



SIGNAGE LOCATION PLAN  
SCALE: 1" = 100' - 0"

## MONUMENT SIGN - D

Sign Size = 99 SF



## MONUMENT SIGN - D

Sign Size = 117 SF





## 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.

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

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### 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): \_\_\_\_\_
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?

As stated, the square footage proposed is for gas pricing only. This is important information that the public seeks. Considering the speed & density of vehicles and the approx. 50' R/W and that the access points are either just prior to sign B or then far past sign B, it is the intent of the square footage to aid the public for the needed information and best visibility to react to the access points.

2) In the same vein as above, a reduced setback is requested considering the vehicular dynamics and access points on a major arterial, at a critical intersection in conjunction with the rationale of the prior approval.

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.

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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.

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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*).

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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.

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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.

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**THIS INSTRUMENT PREPARED BY  
AND SHOULD BE RETURNED TO:**

Gregory M. Dawson  
Edwards Cohen  
200 West Forsyth Street, Suite 1300  
Jacksonville, Florida 32202

Tax Parcel RE No. 541910100 (portion)

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made and executed as of September 27, 2024, by CASTO-LEISEY, LLC, a Florida limited liability company ("Grantor"), whose mailing address is 5050 Belmont Avenue, Youngstown, Ohio 44505, to WAL-MART STORES EAST, LP, a Delaware limited partnership ("Grantee"), whose mailing address is: Property Tax Department, P.O. Box 8050, Attn: MS 0555, Store No. 90010, Bentonville, Arkansas 72716-8050:

(wherever used herein the terms "Grantor" and "Grantee" shall include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, partnerships (including joint ventures), public bodies and quasi-public bodies.)

**WITNESSETH:**

THAT Grantor, for and in consideration of the sum of TEN and NO/100 DOLLARS (\$10.00) and other valuable consideration in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release and convey and confirm unto Grantee forever, the following described land situate, lying and being in the County of Hillsborough, State of Florida, to wit:

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF (the "Property");

TOGETHER with all improvements located thereon and all easements, tenements, hereditaments and appurtenances belonging or in anywise appertaining thereto, including, without limitation on the foregoing, all right, title and interest of Grantor in and to any land lying in the bed of any dedicated street, alley, road or avenue (before or after vacation thereof, and whether previously or hereafter abandoned or vacated) in front of or adjoining the Property to the centerline thereof.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND Grantor does hereby covenant with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good, right and lawful authority to sell and convey the Property and hereby warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantors, but against none other. This conveyance of the Property is made subject only to the matters set forth in Exhibit B attached hereto and by this reference made a part hereof; provided, however, that this reference shall not reimpose the same if previously expired, abandoned, released or terminated.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name on the date set forth in the acknowledgment below, but to be effective for all purposes as of the date first above written.

WITNESSES:

Jean Dondoff  
Print Name: JEAN DONDORFF  
Address: 250 Civic Center Dr.  
Suite 500  
Columbus, Ohio 43215

Nicole E Cole  
Print Name: Nicole E Cole  
Address: 250 Civic Ctr. Dr. Ste 500  
Columbus, OH 43215

**CASTO-LEISEY, LLC.**  
a Florida limited liability company

By: CNL Apollo Beach, LLC,  
a Florida limited liability company,  
Manager

By: Casto Net Lease Properties, LLC,  
a Florida limited liability company,  
Manager

By: Anthony A Martin  
Name: Anthony A. Martin  
Title: Manager

STATE OF OHIO )  
COUNTY OF FRANKLIN ) ss:

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3rd day of September, 2024 by Anthony A. Martin, as Manager of Casto Net Lease Properties, LLC, a Florida limited liability company, Manager of CNL Apollo Beach, LLC, a Florida limited liability company, Manager of Casto - Leisey, LLC, a Florida limited liability company, on behalf of said limited liability company. He/she ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification..

[NOTARIAL SEAL]

Amy L. Finn  
NOTARY SIGNATURE  
Print Name: Amy L. Finn  
Notary Public, State and County Aforesaid  
My commission expires: 02/14/28



**Amy L Finn**  
Notary Public, State of Ohio  
My Commission Expires 02/14/2028



**EXHIBIT A****Description of Property**

A parcel of land being a portion of Section 28, Township 31 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

COMMENCE at the Southeast corner of Section 28, Township 31 South, Range 19 East, Hillsborough County, Florida; thence the following two (2) courses along the South line of the Southeast 1/4 of said Section 28 and the South line of the Southwest 1/4 of said Section 28, respectively; (1) thence N89°28'33"W (being the basis of bearings for this legal description), for 2,648.13 feet to the South 1/4 corner of said Section 28; (2) thence N89°17'18"W, for 1,042.42 feet to the point of intersection with the East Right-of-Way line of US HIGHWAY 41 N (STATE ROAD 45), according to that certain Florida Department of Transportation (FDOT) Right-of-Way Map Section 10060-2211; thence the following three (3) courses along said East Right-of-Way line of US HIGHWAY 41 N (STATE ROAD 45); (1) thence N47°17'25"E, for 1,273.72 feet; (2) thence N47°13'27"E, for 208.72 feet to the POINT OF BEGINNING; 3) thence continue N47°13'27"E, for 220.14 feet to the Southwest corner of LEISEY ROAD EXTENSION, as described in Official Records Book 17261, Page 145, of the Public Records of Hillsborough County, Florida; thence leaving said East Right-of-Way line of US HIGHWAY 41 N (STATE ROAD 45), S79°37'28"E, along the South line of said LEISEY ROAD EXTENSION for 34.62 feet; thence leaving said South line of LEISEY ROAD EXTENSION, S62°08'41"E, for 41.54 feet to the point of intersection with a non-tangent curve, concave Northerly; thence Easterly along the arc of said curve, with a radial bearing of N19°08'08"E, having a radius of 1,258.00 feet, a central angle of 08°31'29", an arc length of 187.17 feet, and a chord bearing S75°07'36"E, for 187.00 feet, to the point of intersection with a non-tangent line; thence N47°21'09"E, for 13.76 feet to the point of intersection with a non-tangent curve, concave Northerly; thence Easterly along the arc of said curve, with a radial bearing of N10°13'57"E, having a radius of 1,247.00 feet, a central angle of 05°20'01", an arc length of 116.08 feet, and a chord bearing S82°26'03"E, for 116.04 feet, to the point of intersection with a non-tangent line; thence S42°44'36"E, for 263.82 feet; thence N47°15'24"E, for 63.75 feet to the point of intersection with a non-tangent curve, concave Southerly; thence Easterly along the arc of said curve, with a radial bearing of S29°13'49"E, having a radius of 248.50 feet, a central angle of 16°28'17", an arc length of 71.44 feet, and a chord bearing N69°00'20"E, for 71.19 feet, to the point of intersection with a non-tangent line; thence N77°14'29"E, for 110.90 feet; thence S08°51'48"E, for 19.24 feet; thence S12°04'07"E, for 65.92 feet; thence S78°16'18"W, for 105.03 feet to the point of intersection with a non-tangent curve, concave Southeasterly; thence Southwesterly along the arc of said curve, with a radial bearing of S12°04'51"E, having a radius of 36.66 feet, a central angle of 35°19'44", an arc length of 22.60 feet, and a chord bearing S60°15'17"W, for 22.25 feet, to the point of intersection with a non-tangent line; thence S42°45'19"E, for 334.03 feet; thence S32°27'32"E, for 114.08 feet; thence S47°13'07"W, for 232.50 feet; thence S86°38'47"W, for 57.52 feet; thence S47°13'07"W, for 462.49 feet; thence N89°28'55"W, for 249.57 feet to the point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 579.50 feet, a central angle of 40°26'21", an arc length of 409.01 feet, and a chord bearing N69°15'45"W, for 400.57 feet to the point of intersection with a non-tangent line; thence N37°34'04"W, for 99.75 feet; thence N42°44'49"W, for 31.88 feet; thence N55°25'38"W, for 97.84 feet; thence N42°44'51"W, for 104.17 feet; thence N47°20'56"E, for 620.24 feet; thence N42°44'49"W, for 224.07 feet to the POINT OF BEGINNING.

**EXHIBIT B**

**Permitted Exceptions**

1. General or special taxes and assessments for the year 2024 and subsequent years, which are not yet due and payable.
2. Declaration of Restrictive Covenant and Easement Agreement recorded in Official Records Book 22813, Page 1654, as affected by Subordination recorded in Official Records Instrument 2022357908, of the Public Records of Hillsborough County, Florida.
3. Assignment of Allocated Entitlements, including terms and conditions thereof, as recorded in Official Records Instrument 2023225692, of the Public Records of Hillsborough County, Florida.
4. Operating and Reciprocal Easement Agreement recorded in Official Records Instrument 2023225693, as amended by Amendment to Operating and Reciprocal Easement Agreement recorded April 26, 2024 in Official Records Instrument 2024169267, of the Public Records of Hillsborough County, Florida.
5. Post Closing Subdivision Agreement including terms and conditions thereof as recorded in Official Records Instrument 2023225694, of the Public Records of Hillsborough County, Florida.
6. All matters that would be shown by a current and accurate survey of the Property.

# Variance Application Package



**Hillsborough  
County Florida**  
Development Services

## Instructions to Applicants for Requests Requiring Public Hearing:

### I. Prior to completing this application:

If you have any questions regarding your proposed project prior to submittal of this application, please email [ZoningIntake-DSD@HCFLGov.net](mailto:ZoningIntake-DSD@HCFLGov.net).

Please ensure you gather items that will need to be submitted prior to submitting your application as incomplete applications will not be accepted. Some of the items necessary may be obtained as follows:

- **Property information** such as folio numbers, future land use, current zoning, section/township/range and other information may be obtained by using the [Hillsborough County Map Viewer](#) and searching for the necessary address in the search bar at the top.
- **Sunbiz Forms** may be obtained by visiting [Sunbiz.org](http://Sunbiz.org).
- **A Copy of the Current Recorded Deed(s)** may be obtained by visiting the Hillsborough County Property Appraiser's website at [HCPAFL.org](http://HCPAFL.org) and conducting a Property Search. Search by folio number or property address and select the correct result. Scroll down to 'Sales History' and select the most recent 'Instrument Number'. Select one of the results to view and save the current recorded deed.
- **Close Proximity Property Owners List** may be requested by emailing [gisdept@hcpafl.org](mailto:gisdept@hcpafl.org). Include all folio numbers and the notice buffer distance area in the request. *Please Note:* If your property has an Agricultural Future Land Use Designation (A, AR, AM, AE) or a Future Land Use Designation of RES-1 you must obtain a list of all property owners within 500 feet of the subject property. For all other Future Land Use Categories you must obtain a list of all property owners within 300 feet of the subject property. If the property contains more than one future land use category, the greatest applicable notice distance shall apply per [LDC Section 10.03.02.E.1](#). If the notice distance extends to includes parcels in an adjacent county jurisdiction, those property owners will need to be included in the list. Contact the property appraiser's office for the applicable county jurisdiction to obtain that list.

### II. Application submittal:

Part A and Part B of the submittal requirements include specific requirements and their requisite forms necessary for a complete and sufficient application submission.

- **Part A** will verify the property owner has authorized the application and includes forms and documents needed to verify the area for the proposed change.
- **Part B** includes the specific additional submittal requirements for the type of application being submitted.

Documents must be submitted as separate PDF documents with a minimum image resolution of 300 dpi labeled according to their contents and submitted in a single email to [ZoningIntake-DSD@HCFLGov.net](mailto:ZoningIntake-DSD@HCFLGov.net). Incomplete submittals will receive an email indicating the documents that are missing and will require a full resubmittal.

**IMPORTANT:** Review the entire application (both Parts A and B) for completeness prior to submission. Ensure you have your complete application submitted by 3:00 PM on the [cut-off day for your desired hearing](#) or your application will miss the cut-off and be continued to the next hearing date. Incomplete applications will not be accepted.

### III. Post-application submittal:

Complete submittals will receive a payment request email. The deadline to make the payment is **one business day** after you receive this request. Failure to complete the payment by the deadline will result in application delays and/or additional Fastrack fees. Please view our [current fee schedule](#) for a list of zoning fees. Payments must be made through the [HillsGovHub portal](#). Instructions on how to [create an account](#) and [how to make a payment](#) are also available.

Remember, the Hillsborough County Land Development Code requires public notice for this category of application. After payment is received, you will receive a Letter of Notice that must be sent to all addresses on the Adjacent Property Owners List and/or HOA list. A Certificate of Mailing must also be provided. Instructions on completing your Letter of Notice and obtaining a Certificate of Mailing, will be sent with the Letter of Notice via email. Mailing deadlines and the deadline to submit the certificate of mailing will also be included on this email.



Application No: <u>25-0443</u>		Intake Date: _____
Hearing(s) and type: Date: _____	Type: _____	Receipt Number: _____
Date: _____	Type: _____	Intake Staff Signature: <u>Cierra James</u>

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

TWN-RN-SEC: \_\_\_\_\_ Folio(s): \_\_\_\_\_ Zoning: \_\_\_\_\_ Future Land Use: \_\_\_\_\_ Property Size: \_\_\_\_\_

**&OC-20**

Name: \_\_\_\_\_ Daytime Phone \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

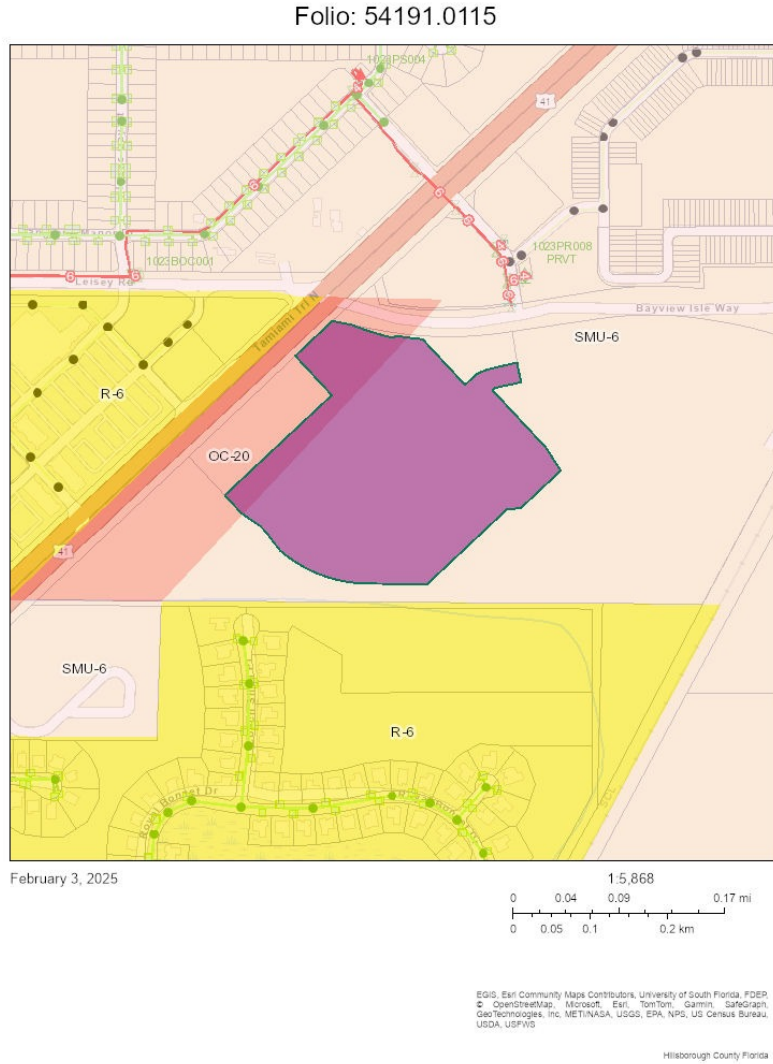
Email: \_\_\_\_\_ Fax Number \_\_\_\_\_

25-0443



# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	06-1035
Flood Zone:AE	BFE = 9.0 ft
FIRM Panel	0493H
FIRM Panel	12057C0493H
Suffix	H
Effective Date	Thu Aug 28 2008
FIRM Panel	0494H
FIRM Panel	12057C0494H
Suffix	H
Effective Date	Thu Aug 28 2008
FIRM Panel	0656H
FIRM Panel	12057C0656H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Flood Zone	AE
Pre 2008 Flood Zone	AE
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120656C
County Wide Planning Area	Apollo Beach
Community Base Planning Area	SouthShore
Community Base Planning Area	Apollo Beach
Planned Development	PD
Re-zoning	06-1035
Minor Changes	null
Major Modifications	22-1228
Personal Appearances	24-0133
Census Data	Tract: 014119 Block: 1042
Future Landuse	OC-20
Future Landuse	SMU-6
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
Fire Impact Fee	South
Parks/Schools Impact Fee	SOUTH
ROW/Transportation Impact Fee	ZONE 9
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



**Folio: 54191.0115**  
**PIN: U-28-31-19-ZZZ-000001-75620.2**  
**Wal-Mart Stores East Lp**  
**Mailing Address:**  
**C/o Property Tax Dept Attn Ms 0555 Store 90010**  
**Po Box 8050**  
**Bentonville, Ar 72712-8055**  
**Site Address:**  
**0**  
**null, FI null**  
**SEC-TWN-RNG: 28-31-19**  
**Acreage: 21.92**  
**Market Value: \$4,068,791.00**  
**Landuse Code: 9900 VACANT ACREAGE**

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.



## Official Use Only

25-0443

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

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

Receipt Number: \_\_\_\_\_

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

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

Phone: \_\_\_\_\_

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The following ownership information must be provided and will be verified upon submission of initial submittal. If you are viewing this form electronically, you may click on each underlined item for additional information.

Included	N/A	Requirements
1	<input type="checkbox"/>	<input type="checkbox"/> <b><u>Property/Applicant/Owner Information Form</u></b>
2	<input type="checkbox"/>	<input type="checkbox"/> <b><u>Affidavit(s) to Authorize Agent</u></b> (if applicable) NOTE: All property owners must sign either the Application form or the Affidavit to Authorize Agent. If property is owned by a corporation, submit the Sunbiz information indicating that you are authorized to sign the application and/or affidavit.
3	<input type="checkbox"/>	<input type="checkbox"/> <b><u>Sunbiz Form</u></b> (if applicable). This can be obtained at <a href="http://Sunbiz.org">Sunbiz.org</a> .
4	<input type="checkbox"/>	<input type="checkbox"/> <b><u>Property/Project Information Sheet</u></b> All information must be completed for each folio included in the request.
5	<input type="checkbox"/>	<input type="checkbox"/> <b><u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u></b>
6	<input type="checkbox"/>	<input type="checkbox"/> <b><u>Copy of Current Recorded Deed(s)</u></b>
7	<input type="checkbox"/>	<input type="checkbox"/> <b><u>Close Proximity Property Owners List</u></b>
8	<input type="checkbox"/>	<input type="checkbox"/> <b>Legal Description</b> for the subject site
9	<input type="checkbox"/>	<input type="checkbox"/> <b>Copy of Code Enforcement/Building Code Violation(s)</b> (if applicable)
10	<input type="checkbox"/>	<input type="checkbox"/> <b>Fastrack Approval</b> (if applicable)

VAR



## Specific Submittal Requirements for Variances

This section provides information on items that must be addressed/submitted for a Special use - Land Excavation permit and will be subsequently reviewed when the application is assigned to a planner. Where certain information does not apply to a project, a notation shall appear on the plan stating the reason, for example, "No existing water bodies within project." Additionally, the explanations and justifications for when certain information does not apply to the project shall be included in the Narrative. If Hillsborough County determines the submitted plan lacks required information, the application shall not proceed to hearing as provided for in Section 6.2.1.1.A. Additionally, the required information is only the minimum necessary to schedule an application for hearing and Hillsborough County reserves the right to request additional information during review of the application.

If you are viewing this form electronically, you may click on each underlined item for additional information.

For any items marked N/A, justification must be provided as to why the item is not included.

### Part B: Project Information

#### Additional Submittal Requirements for a Variance

- 1 ☐ Project Description/Written Statement of the Variance Request
- 2 ☐ Variance Criteria Response
- 3 ☐ Attachment A (if applicable)
- 4 ☐ Survey/Site Plan
- 5 ☐ Supplemental Information (optional/if applicable)