



HILLSBOROUGH COUNTY Land Use Hearing Officer

LUHO AGENDA - FINAL

10:00 A.M. MONDAY, December 14, 2020

**R. W. Saunders Sr. Public Library
Ada T. Pain Community Room
1505 N. Nebraska Ave.**

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 December 14,2020

The following dates pertain only to applications heard at the December 14, 2020 hearing. The Hearing Officer shall file a Recommendation or Final Decision for each application on January 07, 2021.

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. VAR 20-0244 Russell Caple**

This application is out of order to be heard and is being **CONTINUED** to the **January 25, 2021** LUHO.

A.2. VAR 20-0317 John R. Schumann

This application has been **WITHDRAWN** from processing by the **Zoning Administrator**.

A.3. VAR 20-0352 Michael Cimilluca and Cynthia Fernandez

This application is being **WITHDRAWN** by the petitioner.

A.4. VAR 20-0398 Eloy Martinez

This application is being **CONTINUED** by **STAFF** to the **February 22, 2021** LUHO.

A.5. VAR 20-0496 Abbye Feeley

This application is being **CONTINUED** by **STAFF** to the **February 22, 2021** LUHO.

A.6. VAR 20-0992 April & Jason Foreman

This application is being **WITHDRAWN** by the petitioner.

A.7. SU-AB 20-1017 TSP Companies, Inc.

This application has been **WITHDRAWN** by the petitioner..

A.8. VAR 20-1088 Francisco J. Otero-Cossio

This application is being **CONTINUED** by **STAFF** to the **February 22, 2021** LUHO.

A.9. VAR 20-1284 Divy Sarduy

This application is out of order to be heard and being **CONTINUED** to the **January 25, 2021** LUHO.

A.10. Application Number: VAR 21-0001

Applicant: Maribel Pagan & Luis Pagan Marchand

Location: 918 Ridgeland Ln.

Folio Number: 086422.0186

Acreage (+/-): 0.27 acres, more or less

Comprehensive Plan: R-4

Service Area: Urban

Existing Zoning: RSC-6

Request: Requesting a variance to the distance separation for Community Residential Home.

A.11. SU-GEN 21-0003 Danice M. Donaldson & Alan Jones

This application is being **CONTINUED** by **STAFF** to the **February 22, 2021** LUHO.

A.12. SU-AB 21-0013 Waverly Realty LLC.

This application is out of order to be heard and being **CONTINUED** to the **January 25, 2021** LUHO.

A.13. VAR 21-0022 Eliezer Seymore Martinez

This application is out of order to be heard and being **CONTINUED** to the **January 25, 2021** LUHO.

B. VESTED RIGHTS**C. FEE WAIVER****D. RECONSIDERATION REQUESTS****E. SITE DEVELOPMENT VARIANCE REQUESTS****E.1. Application Number: VAR 20-1297**

Applicant: Thomas Andrew Hobson II

Location: 18019 Pine Hammock Blvd.

Folio Number: 014521.0352

Acreage (+/-): 0.25 acres, more or less

Comprehensive Plan: CMU-12

Service Area: Urban

Existing Zoning: PD (14-0126) SPI-NDM

Request: Requesting a variance to encroach into the wetland conservation area setback.

E.2. Application Number: VAR 20-1373

Applicant: S & ME, Inc.

Location: 102 E. Bloomingdale Ave

Folio Number: 073291.5075

Acreage (+/-): 0.44 acres, more or less

Comprehensive Plan: R-6

Service Area: Urban

Existing Zoning: CN

Request: Requesting a variance to encroach into the wetland conservation area setback.

E.3. Application Number: VAR 21-0005

Applicant: Dev and Sirali Kewalramani

Location: 19901 Cypress Bridge Dr.

Folio Number: 012940.0048

Acreage (+/-): 0.39 acres, more or less

Comprehensive Plan: R-1

Service Area: Rural

Existing Zoning: PD (90-0061)

Request: Requesting a variance to encroach into the wetland conservation area setback.

F. SIGN VARIANCE REQUESTS

- F.1. Application Number: VAR 20-1268**
Applicant: Falkenburg Wash LLC
Location: 120ft West of intersection:S Falkenburg Rd/Tuscany Ridge Dr.
Folio Number: 072210.1212 & 072210.1214
Acreage (+/-): 2.55 acres, more or less
Comprehensive Plan: UMU-20
Service Area: Urban
Existing Zoning: CI
Request: Requesting a sign variance.

G. VARIANCE (VAR) REQUESTS

- G.1. Application Number: VAR 20-0869**
Applicant: Genti Tahiraj
Location: 10409 Ohio Ave.
Folio Number: 060362.0700
Acreage (+/-): 2.64 acres, more or less
Comprehensive Plan: R-6
Service Area: Rural
Existing Zoning: ASC-1
Request: Requesting a variance to fence requirements.
- G.2. Application Number: VAR 20-1095**
Applicant: Frank Carpio Quintana
Location: 7505 Twelve Oaks Blvd
Folio Number: 004580.4150
Acreage (+/-): 0.19 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: RSC-6
Request: Requesting a variance to lot development standards.
- G.3. Application Number: VAR 20-1113**
Applicant: Robert C. Best
Location: 5003 Timberlan St.
Folio Number: 019098.0000
Acreage (+/-): 2.91 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: RSC-6, MH
Request: Requesting a variance to have a third lot on well and/or septic tank, variance to minimum lot size by available utilities and variance to accessory structure requirements.

- G.4. Application Number: VAR 20-1196**
Applicant: Kalyanamathy Rathinasamy
Location: 5919 Lynn Rd
Folio Number: 023794.0000
Acreage (+/-): 1.24 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: AS-1
Request: Requesting a variance to accessory dwelling requirements.
- G.5. Application Number: VAR 20-1200**
Applicant: Jose Luis Sanchez Pena
Location: 3410 W. Grove St.
Folio Number: 031105.5000
Acreage (+/-): 0.17 acres, more or less
Comprehensive Plan: R-6
Service Area: Urban
Existing Zoning: RSC-6
Request: Requesting a variance to the distance separation for community residential home.
- G.6. Application Number: VAR 20-1369**
Applicant: Juventino & Olivia Leos
Location: 201 E. Palm Ave
Folio Number: 066433.0000
Acreage (+/-): 0.12 acres more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: RSC-6
Request: Requesting a variance to lot development standards.

G.7.

H. SPECIAL USES

- H.1. Application Number: SU-AB 20-1190**
Applicant: Jerk Pit, LLC
Location: 1939 E. Fletcher Ave.
Folio Number: 035797.0000
Acreage (+/-): 0.02 acres, more or less
Comprehensive Plan: OC-20 & R-20
Service Area: Urban
Existing Zoning: CG (R)
Request: Requesting a special use 2 COP Beer and wine for sale and consumption on and off the permitted premises Development Permit.

- H.2. Application Number: SU-AB 20-1234**
Applicant: Min Feng Liu
Location: 15412 N. Dale Mabry Hwy.
Folio Number: 016355.0510
Acreage (+/-): 0.13 acres, more or less
Comprehensive Plan: OC-20
Service Area: Urban
Existing Zoning: PD (98-0406)
Request: Requesting a Special Use 4-COP Alcoholic Beverage Permit for the sale and consumption of beer, wine, and liquor on and off the permitted premises (package sales) with separation waiver(s).
- H.3. Application Number: SU-AB 20-1376**
Applicant: Jerry T. Shaw
Location: 18430 Livingston Ave.
Folio Number: 033622.0000
Acreage (+/-): 0.152 acres, more or less
Comprehensive Plan: R-1
Service Area: Rural
Existing Zoning: CN
Request: Requesting a special use 4-COP-RX Beer, wine, and liquor for sale and consumption on the permitted premises only in connection with a restaurant, Development Permit.
- H.4. Application Number: SU-AB 21-0021**
Applicant: La Vid Wines, LLC.
Location: 14610 N. Dale Mabry Hwy.
Folio Number: 018899.0300
Acreage (+/-): 0.05 acres, more or less
Comprehensive Plan: OC-20
Service Area: Urban
Existing Zoning: PD (78-0310) & CG
Request: Requesting a Special Use 2-COP Beer and wine for sale and consumption on and off the permitted premises, Development Permit.

I. APPEAL (APP) REQUESTS