



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0761	
LUHO HEARING DATE: July 25, 2022	CASE REVIEWER: Chris Grandlienard

REQUEST: The applicant is requesting multiple variances to accommodate replacement of an existing solid vinyl fence enclosing a public service facility on property zoned CN.

VARIANCES:

Buffering and Screening

Per LDC Section 6.06.06.A, a 20-foot-wide buffer with Type B screening is required on the north and west sides of the subject property due to adjacent property zoned RSC-6. Type B screening consists of a solid 6-foot-high fence or wall, or 6-foot-high evergreen hedge with 75 percent opacity at time of planting, together with a row of evergreen shade trees planted on 20-foot centers, subject to the specifications found in the LDC.

The subject public service facility is surrounded by a solid vinyl fence but without a row of evergreen shade trees. The applicant wishes to replace the existing fence with a chain link fence with barbed wire design and requests the following variances:

- 1) A 2.5-foot reduction to the required 20-foot buffer width on the north side of the subject parcel to allow a buffer width of 17.5 feet.
- 2) Elimination of the required Type B screening.

Fence

Per LDC Section 6.07.02.A.3, fences in the CN district are subject to the same regulations as fences in residential districts. Per LDC Section 6.07.02.C, a maximum height of 6 feet is permitted for fences, including fences in required front yards which function as side yards, provided the fence does not intrude more than 10 feet into the required front yard. The applicant requests a 2-foot increase to the permitted fence height to allow an 8-foot height for the proposed chain link fence.

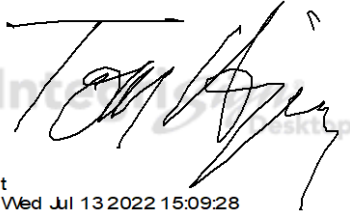
FINDINGS:

- The west side of the subject property abuts Broad Street with a right-of-way width of approximately 27 feet. Per LDC Section 6.06.06.A, properties separated by rights-of-way less than 50 feet in width are considered adjacent parcels for buffering and screening purposes.

DISCLAIMER:

The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to subdivision or site development approvals and building permit approvals.

ADMINISTRATOR'S SIGN-OFF



Handwritten signature of Tom Hines in black ink. The signature is stylized and appears to read 'Tom Hines'. There is a faint watermark 'Incentive Desk' visible behind the signature.

t
Wed Jul 13 2022 15:09:28

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

OCCUPATIONAL SURVEY

PARENT PARCEL

OWNER: UNITI FIBER, LLC
 SITE ADDRESS: 10124 E COLUMBUS DRIVE, TAMPA, FL 33619
 PARCEL ID: U-08-29-20-28M-000004-00020.0
 AREA: 0.3085 ACRES (PER TAX ASSESSOR)
 ZONED: U-UNICORPORATED
 ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS

REFERENCE:
 1. INSTRUMENT NO. 2021599311
 2. SURVEY BY ALLAN H. ALBERT FOR TOWER ENGINEERING PROFESSIONALS, INC.
 DATED 07/13/2021

GENERAL NOTES

BOUNDARY INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM TAX MAPS AND DEED DESCRIPTIONS ONLY. NO BOUNDARY SURVEY OF WAS PERFORMED.

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.

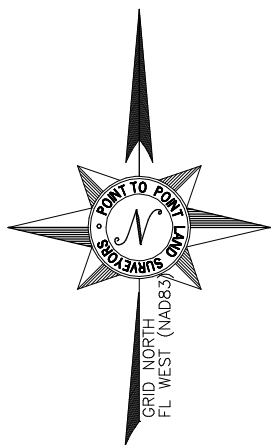
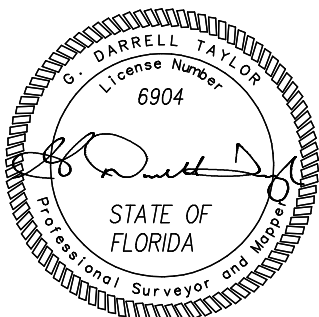
THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS-OF-WAY NOT SHOWN HEREON.

EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: LEICA TPS 1200 ROBOTIC & GEOMAX ZENITH 35 [DATE OF LAST FIELD VISIT: 2/22/22]

THE FIELD DATA UPON WHICH THIS EASEMENT SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 20,000+ FEET AND AN ANGULAR ERROR OF 5.0" PER ANGLE POINT AND WAS ADJUSTED USING LEAST SQUARES.

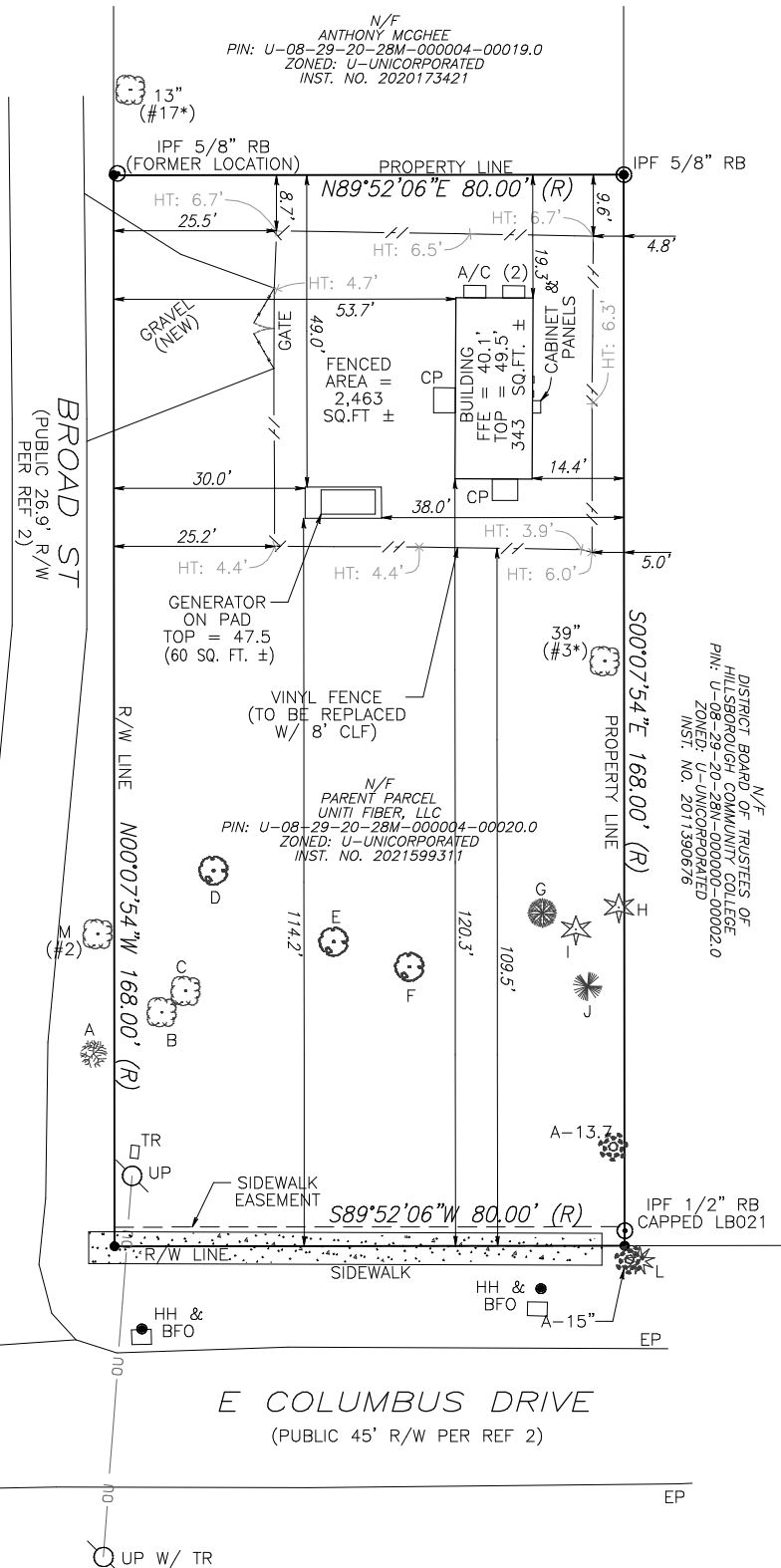
THE PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 100,000+ FEET.

BEARINGS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE BASED ON GRID NORTH (NAD 83) FLORIDA WEST ZONE.



LEGEND

IPF	IRON PIN FOUND
UP	UTILITY POLE
EP	EDGE OF PAVEMENT
O/U	OVERHEAD UTILITIES
GW	GUY WIRE ANCHOR
TR	TRANSFORMER
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
CP	CONCRETE PAD
CLF	CHAIN LINK FENCE
HH	HANDHOLE
BFO	BURIED FIBER OPTIC MARKER
FFE	FINISHED FLOOR ELEVATION
(R)	AS SHOWN ON REFERENCE NO. 2
HT	HEIGHT OF IMPROVEMENT

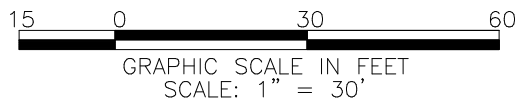


E COLUMBUS DRIVE
 (PUBLIC 45' R/W PER REF 2)



POINT TO POINT LAND SURVEYORS

100 Governors Trace, Ste. 103
 Peachtree City, GA 30269
 (p) 678.565.4440
 (f) 678.565.4497
 (w) pointtopointsurvey.com



SECTION: 8
 TOWNSHIP: 29 S
 RANGE: 20 E
 CITY: TAMPA
 COUNTY: HILLSBOROUGH
 STATE: FLORIDA

SCALE: 1" = 30'
 CHECKED BY: DMM
 DRAWN BY: EAL
 DATE: MARCH 4, 2022
 SHEET: 1 of 1
 JOB #: 211419FL

VARIANCE REQUEST

1. Project Narrative: In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. *Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet*). If additional space is needed, please attach extra pages to this application.

No additional space is needed, the variance just applies to the material. The fence material as it shows in the new design is replacing the existing vinyl fence with a chain-link fence with a barbed wire design.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:
Sec. 6.06.06
Sec. 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): _____
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 (Attachment A).
4. Please indicate the existing or proposed utilities for the subject property:
Public Water N/A Public Wastewater N/A Private Well N/A Septic Tank N/A
5. Is the variance to allow a third lot on well and/or septic or non-residential development with an intensity of three ERC's? No Yes If yes, you must submit a final determination of the "*Water, Wastewater, and/or Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity*" prior to your public hearing (form may be obtained from **19th floor County Center**).

VARIANCE CRITERIA RESPONSE

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

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

A secure telecommunications facility used by the United States Air Force is built on this parcel of property. The present fence is not secure, and additional security is required.

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.

The requirements call for a less secure, more decorative fence. The telecommunications facility situated thereupon must be secured, and, therefore, a secure fence is necessary.

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

The granting of this variance will not interfere or injure the rights of others. No one else's property will be affected by the granting of this variance.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose).

The granting of this variance will not disturb the harmony nor contravene the general intent and purpose of the LDC and the Comprehensive Plan. The applicant herein is a Florida telecommunications public utility. The actual facility was built for use by the United States Air Force. Thus, the granting of this variance is in accordance with the LDC's intent to address public facility implications.

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

The facility as built was duly permitted by the County, with no illegal action. The facility is owned by a Florida public utility and is a telecommunications facility which contains sensitive telecommunications equipment used by the United States Air Force. A more secure fence is needed at the location.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

The facility requires additional security, as it contains sensitive telecommunications equipment used by the United States Air Force. The applicant is a Florida telecommunications public utility. The benefits to the public by the granting of this variance are therefore substantial. If the facility is not secure, there is a breach, and equipment is damaged, stolen, or destroyed will cause a great deal of hardship to not only individuals, but to the public, United States military, and the nation as a whole.

After Recording Return to:
Chris Hemmings
Anchor Title & Associates
1510 South Clark Avenue
Tampa, FL 33629

This Instrument Prepared by:
Chris Hemmings
Anchor Title & Associates
1510 South Clark Avenue
Tampa, FL 33629
as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):

File No.: 20210100

WARRANTY DEED

This Warranty Deed, Made the 18th day of November, 2021, by **Jorge L. Bielostozky, Individually and as Guardian of Jonathan J. Bielostozky a minor child**, both as to their non Homestead property, whose post office address is: **12427 E Elnora Drive, Riverview, FL 33579**, hereinafter called the "Grantor", to **UNITI Fiber, LLC, A Delaware Limited Liability Company**, whose post office address is: **107 St. Francis Street, Suite 1800, Mobile, AL 36602**, hereinafter called the "Grantee".

WITNESSETH: That said Grantor, for and in consideration of the sum of **Sixty Five Thousand Dollars and No Cents (\$65,000.00)** 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**, to wit:

Lots 20, 21, 22, 23, 24, 25 and 26, Block 4, Dixie Home Sites, according to the map or plat thereof as recorded in Plat Book 12, Page 40, of the Public Records of Hillsborough County, Florida.

The property is not the homestead of the Grantor(s) under the laws and constitution of the state of Florida in that neither Grantor(s) or any member of the household of Grantor(s) reside thereon.

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, except taxes accruing subsequent to 2021, 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, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
TWO SEPARATE DISINTERESTED WITNESSES REQUIRED

Witness Signature: [Signature]
Printed Name: Chris Hemmings

[Signature]
Jorge L. Bielostozky
Guardian of the property of Jonathan J. Bielostozky,
a minor

Witness Signature: [Signature]
Printed Name: Nick GARCIA

[Signature]
Jorge L. Bielostozky

Witness Signature: _____
Printed Name: _____

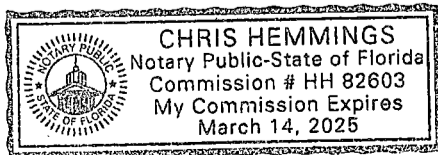
Witness Signature: _____
Printed Name: _____

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me this 18th day of November, 2021 by Jorge L. Bielostozky, Individually and as Guardian of Jonathan J. Bielostozky a minor child, who is/are personally known to me or has/have produced driver license(s) as identification.

[Signature]
Notary Public Signature
Printed Name: Chris Hemmings
My Commission Expires: _____

(SEAL)



REV App
22-0761
RCVD
6-30-22



VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

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

Property Information

Address: 10124 E Columbus Dr. City/State/Zip: Tampa, FL 33619 TWN-RN-SEC: 29-20-08
Folio(s): 65678.0000 Zoning: CN Future Land Use: UMU-20 Property Size: 0.343Ac

Property Owner Information

Name: UNITI FIBER LLC Daytime Phone: 251.786.4958
Address: 107 Saint Francis Street Suite 1800 City/State/Zip: Mobile, AL 36602
Email: maryce.green@uniti.com FAX Number: _____


Applicant Information

Name: Deidra Hickcox / Tower Engineering Professionals Daytime Phone: 984.292.1379
Address: 3201 Rotary Dr City/State/Zip: Charlotte, NC 28269
Email: dahickcox@tepgroup.net FAX Number: 919.661.6350

Applicant's Representative (if different than above)

Name: Thomas Baker / Tower Engineering Professionals and Gerri Nelson Daytime Phone: 904.521.0945 and 407.637.7079
Address: 5906 Breckenridge Pkwy, Ste A City / State/Zip: Tampa, FL 33610
Email: tbaker@tepgroup.net and gnelson@tepgroup.net FAX Number: 919.661.6350

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.




Signature of Applicant

Deidra Hickcox

Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.



Signature of Property Owner

Kelly A. McGriff

Type or Print Name

Intake Staff Signature: Clare Odell ^{Office Use Only} Intake Date: 04/07/2022
Case Number: 22-0761 Public Hearing Date: 06/21/2022
Receipt Number: 147021

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