Variance Application:

VAR 24-0440

LUHO Hearing Date:

April 22, 2024

Case Reviewer:

Carolanne Peddle



Development Services Department

Applicant: Christopher L Ciulla Zoning: PD 89-0080 PRS 18-0312

Location: Folio: 85740.3248

Request Summary:

The applicant requests a variance to building design requirements from the State Road 60 Overlay District.

Requested V	ariances:		
LDC	LDC Requirement:	Variance:	Result:
Section:			
3.14.062.C	All buildings, including existing structures, shall be architecturally finished on all sides. Paint shall not constitute an architectural finish. This requirement shall not replace or obviate other more stringent architectural standards that may be required by this Code, such as those found in Section 6.11.106 for Large Scale Retail Development.	Eliminate the requirement for architecturally finished building facades.	Building to be constructed of painted corrugated steel.

Findings:

Special use alcoholic beverage permit 24-0267 for the subject site was approved March 18, 2024.

Zoning Administrator Sign Off:

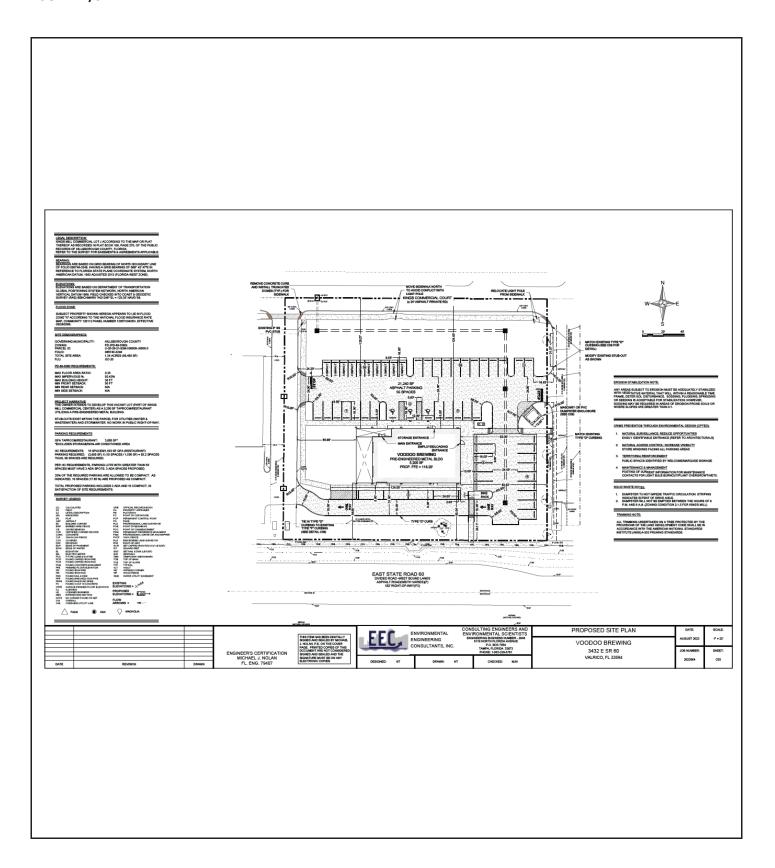
Colleen Marshall Wed Apr 3 2024 14:48:19

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.

APPLICATION NUMBER:	VAR 24-0440	
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SURVEY/SITE PLAN





	Office Use Only		
Application Number: VAR 24-0440	Let all an an all a let	PVISAN.	
Application Number: VIII 21 0110	Received Date:	Received By:	

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Application Number:	VAR 24-0440 Applicant's Name: Chr	ris Ciulla
Reviewing Planner's N	Carolanne Peddle	03/11/2024
Application Type:		
☐ Planned Developm	nent (PD) 🔲 Minor Modification/Personal Appearance (PF	RS) Standard Rezoning (RZ)
☑ Variance (VAR)	Development of Regional Impact (DRI)	☐ Major Modification (MM)
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Current Hearing Date	(if applicable): 04/22/2024	
-	Size Change Information e may result in a new hearing date as all reviews will be subj	ect to the established cut-off dates.
	and to the project?	on the last page.
	ove land from the project?	on the last page.
Email this	form along with all submittal items indicated on the ZoningIntake-DSD@hcflgov.net	next page in pdf form to:
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For additional help	p and submittal questions, please call (813) 277-1633 or er	mail ZoningIntake-DSD@hcflgov.ne <u>t</u> .
• •	described above are the only changes that have been made	le to the submission. Any further changes
		3/11/2024
	Signature	Date



Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to <u>Chapter 119 Florida Statutes</u>, 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.

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Additionally, parcels exempt under <u>Florida Statutes §119.071(4)</u> will need to contact <u>Hillsborough County Development</u> <u>Services</u> to obtain a release of exempt parcel information.

to Chapter 119		Yes	No	ed information submitted	with your application pursuant
			ubmitted with application	VAR 24-04	40
			or protected information.		
			tive and/or protected infor		
Please note: Sens	sitive/prote	ected information	n will not be accepted/requested	unless it is required for the proc	essing of the application.
If an exemptio being held fro	n is bein m public	g sought, the view. Also, b	request will be reviewed to by signing this form I ackno	determine if the applicant when the determine if the applicant when the determine if the applicant when the determine the determine if the applicant when the determine it is applicant.	can be processed with the data nformation in the submittal will
become public	c informa	ation if not red	quired by law to be protecte	ed.	
Signature:		(M	Tust be signed by applicant or	authorized representative)	
Intake Staff Sig	nature:				Date:

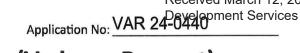


Please indicate below which revised/additional items are being submitted with this form.

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

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

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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.

The variance request pertains to permit HC BLD 23-0056105 for a corrugated steel building in Hillsborough County FL. The request seeks relief from the requirement under Sec. 3.14.06 2, C.: All buildings, including existing structures, shall be architecturally finished on all sides mandated by the land development code. Granting this variance is crucial to mitigate potential harm to the building's integrity and financial risks associated with voiding manufacturer warranties. The request aligns with the broader goals of promoting safe and harmonious development while addressing the unique challenges posed by the property's construction materials. Additionally, as part of our commitment to being a welcome addition to the community, we are taking proactive steps in the development process that incur additional expenses. These efforts are aligned with the intent of the building code to enhance the aesthetic appeal and cultural significance of our establishment. For instance, we have preserved a historic oak tree on the property at significant expense, reflecting our dedication to preserving the area's natural beauty and heritage. Furthermore, our building's design, featuring three color tones reminiscent of Colonial architecture and art displays reflecting our brew pub theme, demonstrates our commitment to contributing positively to the visual character and vibrancy of the neighborhood. These investments underscore our belief in the importance of responsible and community-minded development.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code: Sec. 3.14.06 2. C.: All buildings, including existing structures, shall be architecturally finished on all sides. Paint shall not constitute an architectural finish. This requirement shall not replace or obviate other more stringent architectural standards that may be required by this Code, such as those found in Section 6.11.106 for Large Scale Retail Development.

Additional Information

	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.	
	No Yes If yes, please indicate the nature of the application and the case numbers assigned to the application (s): Special Use Alcohol
3.	Is this a request for a wetland setback variance? 🛛 No
	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 Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing

Statement Variance Request HC BLD 23-0056105

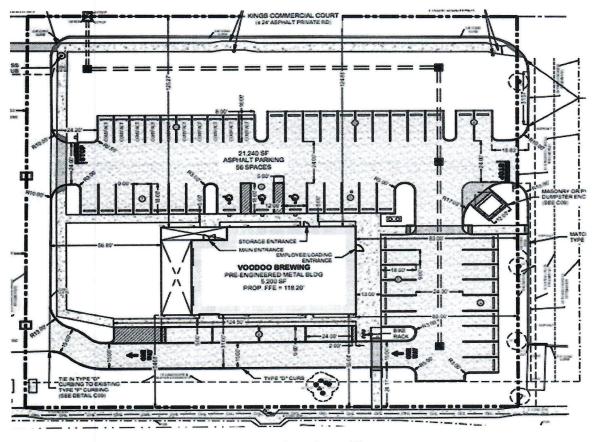
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Ciulla Variance Request Folio 085740-3248: Written Statement

The proposed project will be to build a restaurant, Voodoo Brewery and we are requesting a Variance regarding Sec. 3.14.06 2. C.: All buildings, including existing structures, shall be architecturally finished on all sides based on the details in the enclosed application. The building will be approximately 5200 Sq ft with an additional outside patio area of approximately 850 sq ft emphasizing a vibrant dining experience designed to engage the local community. Notably, beer brewing will not take place anywhere on site.

3434 East State Road 60 Valrico FL 33594



State Route 60

- 1. The property has only one permanent structure as shown in the diagram above.
- 2. The patio as shown on the west side of the structure will include seating for customers.
- 3. The building is approx. +/- 5200 square ft under air conditioning.
- 4. The patio is approx. +/- 850 square feet.



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become public	c informa	ation if not red	quired by law to be protecte	ed.	
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Variance Criteria Response

for answers 1 through 6 please refer to attachment A
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.
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.
would be affected by allowance of the variance.
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).
Fundamental and the situation cought to be relieved by the variance does not result from an illegal act or result from the
EXDIGIN NOW the situation sought to be relieved by the variance does not result from an illegal act of result from the
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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Answer Question #1: Due to the specific requirement mandated by Hillsborough County FL for buildings Sec. 3.14.06 2. C.: All buildings, including existing structures, shall be architecturally finished on all sides. The current construction plans for the building under permit HC BLD 23-0056105, a corrugated steel structure, present a hardship. Implementing the mandated code requirement poses a risk of rust and potential voiding of the manufacturer warranty. This situation warrants consideration for an alternative solution that meets both structural requirements and manufacturer guidelines without compromising the integrity of the building.

Answer Question #2: Here's how the literal enforcement of the land development use code in this situation could potentially deprive the landowner of rights commonly enjoyed by other properties in the same district:

Enforcing the requirement for Sec. 3.14.06 2. C.: All buildings, including existing structures, shall be architecturally finished on all sides poses a unique challenge for the landowner of the corrugated steel building under permit HC BLD 23-0056105. Unlike other properties in the same district and area, which might have more conventional building materials, such as brick or concrete, the literal enforcement of this provision would force the landowner to undertake measures that could compromise the integrity of their building and potentially void the manufacturer warranty.

By adhering to this code requirement without considering the specific circumstances of this property, the landowner would be deprived of the flexibility and rights commonly enjoyed by other properties in the district. It's important to recognize that each property may have its own set of characteristics and challenges, and a one-size-fits-all approach to enforcement could inadvertently penalize certain landowners using certain building materials.

Our hope is a compromise on this issue with the intention of finding a win-win solution considering alternative options that ensure compliance with the spirit of the code while also addressing the unique constraints of the corrugated steel building. By working collaboratively with the county, and the community we can present an alternative design solution that uphold the safety and aesthetic standards envisioned by the code, without imposing undue hardship. The goal is to have our business be a welcome addition to the community.

Answer to Question #3: Granting a variance in this situation would not substantially interfere with or injure the rights of others whose property would be affected by the allowance of the variance. The specific requirement for Sec. 3.14.06 2. C.: All buildings, including existing structures, shall be architecturally finished on all side is unique to this property under permit HC BLD 23-0056105 due to its construction as a corrugated steel building. Allowing a variance to this requirement would not impose any negative impact on neighboring property owners or the surrounding area.

By approving this variance, we acknowledge the distinct circumstances of this property and aim to find a balanced solution that upholds safety standards while also considering the practical limitations posed by the building's construction material. It's important to note that accommodating this variance does not compromise the rights or well-being of neighboring property owners. In fact, by demonstrating flexibility in our approach to zoning regulations, we foster a sense of fairness and cooperation within the community while still maintaining the overall integrity of the land development code.

In summary, granting this variance would not only address the unique challenges faced by the landowner but also ensure that neighboring property owners are not adversely affected. This collaborative decision-making process reflects a commitment to finding winwin solutions that benefit all stakeholders involved.

Answer to Question 4:

Granting the variance aligns with and serves the general intent and purpose of the land development code and the comprehensive plan. We are also taking several steps to meet the intent of the code through thoughtful development preserving the existing elements of the property while going to additional expense to develop the land aligned with the community use intended.

1. **Preservation of Historic Oak Tree**: By preserving a historic oak tree on the front of the property, despite incurring additional expenses for retaining walls, we demonstrate a commitment to maintaining the cultural and aesthetic heritage of the community. This action is in harmony with the land development code's objectives of preserving natural features and enhancing the visual character of the area.

- 2. **Architectural Harmony and Community Integration**: Our building's design, featuring three color tones reminiscent of Colonial architecture and incorporating art displays aligned with our brew pub theme, contributes to the harmony and charm of the community. This adherence to architectural aesthetics not only enhances the visual appeal of the area but also fosters a sense of community identity and pride. We will have Colonial red building with white trim elements on all corner posts and accents, the roof will be slate gray. We will use art work in line with our brand on three sides of the building.
- 3. **Compliance with Landscaping Requirements**: Despite seeking a variance for the veneer requirement, we remain committed to adhering to all other code requirements for landscaping. This ensures that our property maintains green space and contributes to the overall beautification and environmental sustainability goals outlined in the comprehensive plan.
- 4. **Promotion of Economic Activity**: Our business establishment, designed to complement the community's use and cultural identity, contributes to the economic vitality outlined in the comprehensive plan. By creating a welcoming and aesthetically pleasing environment for patrons, we support local commerce and foster a vibrant community atmosphere.

In conclusion, granting the variance for the specific requirement regarding the veneer material while aligning with other code provisions and the broader goals of the comprehensive plan, ensures that our project enhances rather than detracts from the overall vision for the community's development.

Answer to question #5: Our variance request is not the result of any code violation or illegal action on the part of the land owner. We are in compliance with all permits and other code requirements. Our goal for this request is to comply with all county requirements and follow the process requesting a lawful variance.

Answer to question #6: Allowing the variance in this case would result in justice being done by balancing the public benefit intended by the land development code of Hillsborough County FL with the hardship suffered by the failure to grant the variance.

- 1. **Public Benefit**: The primary goal of the land development code is to promote safe, aesthetically pleasing, and harmonious development within the community. While the code aims to maintain certain standards for construction materials, its overarching objective is to enhance the overall quality of life for residents and visitors. Allowing the variance would contribute to this public benefit by fostering a diverse and vibrant built environment that reflects the unique character and identity of the community.
- 2. **Hardship Suffered**: Denying the variance would impose significant hardship on the landowner of the corrugated steel building under permit HC BLD 23-0056105. Enforcing the requirement for Sec. 3.14.06 2. C.: All buildings, including existing structures, shall be architecturally finished on all sides would not only be impractical and potentially damaging to the building's integrity but could also result in financial losses due to warranty issues. This hardship stems from the unique circumstances of the property and its construction materials, which make strict adherence to the code provision burdensome and unjust.

By granting the variance, justice is achieved by striking a balance between upholding the public benefit intended by the land development code and addressing the specific hardship faced by the landowner. This decision ensures that the spirit of the code is upheld while also considering the practical realities and individual circumstances of the property in question. In doing so, justice is served by promoting fairness, equity, and responsible development within the community.

Instrument #: 2023375725, Pg 1 of 1, 8/23/2023 7:15:16 AM DOC TAX PD(F.S. 201.02) \$4760.00, INT. TAX PD (F.S. 199) \$0.00, DOC TAX PD (F.S. 201.08) \$0.00, Deputy Clerk: O Cindy Stuart, Clerk of the Circuit Court Hillsborough County

Prepared by and Return to: Wollinka-Wikle Title Insurance Agency, Inc. 10015 Trinity Blvd., Suite 101 Trinity, Florida 34655 Consideration: \$680,000.00 Our File Number: TR21994

For office	cial use by Clerk's office only
STATE OF Florida) SPECIAL WARRANTY DEED
COUNTY OF Hillsborough	(Corporate Seller)
Successor Trustee of the Kings Mill Trust Agreen Cincinnati, Ohio 45208, party of the first part, and W mailing address is: 1632 Acadia Hurbor Place, Branch W I Pirst party, for and in consideration of the st	TNESSETH: um of TEN AND NO/100 DOLLARS (\$10,00) and other valuable considerations, y grant, bargain, sell, aliens, remises, releases, conveys and confirms unto second
The land referred to herein below is situr described as follows:	ated in the County of Hillsborough, State of Florida, and as
through 273, of the Public Records of Hil	LL COMMERCIAL, recorded in Plat Book 108, Pages 270 tisborough County, Florida, as revised by that certain corded Plat recorded in Official Records Book 17963, Page rporated herein by reference.
Folio# 085740-3248	
ordinances and/and restrictions and prohibitions imp TOGETHER with all the tenoments, heredit TO HAVE AND TO HOLD the same in fec AND the party of the first part hereby cover simple: that it has good right and lawful authority to will defend the same against the lawful claims of all	laments and appurtenances thereto belonging or in anywise appertaining.
Signed, sealed and delivered in the presence of:	Dusty Boot, LLC, an Ohio limited Hability company, as Successor Trustee of the Kings Mill Trust Agreement wit/d November 512022
Micole Mastolic Witness signature Nicole Mastold	By: New J. Robert Brown Tipe: Aidnager
Print witness name:	<i>V</i>
Witness signature	
Daniel Vale Print witness name:	
State of ONO County of Tigmilton	
August, 2023 by J. Robert Brown, Manager of Dus	ne by means of X physical presence or [] online notarization, this to day of sty Boot, LLC, an Ohio limited liability company, Successor Trustee of the of 22 who is personally known to me or who has produced
Danjer Vale	munimum NO
Notary Public	Sun VALE TO A PLANT
Daniel Vall Print Notary Name My Commission Expires: 9 28 2026 Notary Seal	22 Who is personally known to me or who has produced
DERD - Special Warranty Deed - Corporate	8





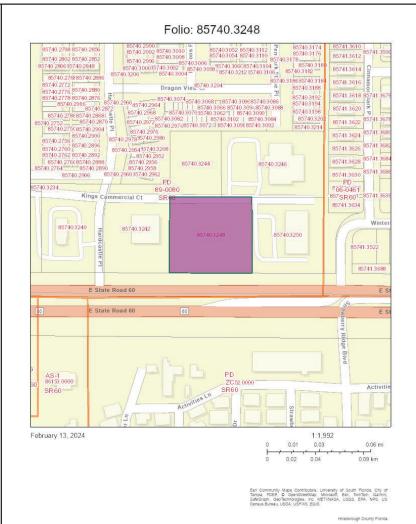
Property/Applicant/Owner Information Form

Official (Use Only
Application No: VAR 24-0440	Intake Date: 02/13/2024
Hearing(s) and type: Date: 04/22/2024 Type: LUI-	
Date: Type:	Intake Staff Signature: Koshia Rivas
	nformation
ddress: 3434 E State Road 60	City/State/Zip: VallICO FL 33394
WN-RN-SEC: 20-29-21 Folio(s): 085740-3248 Zoning: P	DFuture Land Use: OC-20_Property Size: 1.34
	er Information
weCulture Real Estate LL	CDaytime Phone
1506 Acadia Harbor Place	ity/State/Zip:Brandon FL 33511
mail: Chris.Ciulla@yahoo.com	Fax Number
Applicant	Information
	Daytime Phone 732 824-2877
1506 Acadia Harbor Place	Brandon FL 33511
Chris.Ciulla@yahoo.com	
Applicant's Representati	ve (if different than above)
ame:	Daytime Phone
ddress:C	City/State/Zip:
mail:	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.	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.
CHECK!	
Signature of the Applicant	Signature of the Owner(s) – (All parties on the deed must sign)
Chris Ciulla	
Type or print name	Type or print name



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
Overlay	SR60
RZ	89-0080
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0405H
FIRM Panel	12057C0405H
Suffix	Н
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	Х
Pre 2008 Firm Panel	1201120425C
County Wide Planning Area	Valrico
Planned Development	PD
Re-zoning	null
Minor Changes	null
Major Modifications	02-1385
Personal Appearances	03-0601,99-0746,96-0276, 00-0710 WD, 18-0312
Census Data	Tract: 012210 Block: 3000
Future Landuse	OC-20
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Central
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 4
Wind Borne Debris Area	Outside 140 MPH Area
Overlay District	SR 60 - Brandon Boulevard
Competitive Sites	NO
Redevelopment Area	NO



Folio: 85740.3248 PIN: U-20-29-21-92M-000000-J0000.0 Weculture Real Estate Llc Mailing Address: 1632 Acadia Harbor Pl null Brandon, Fl 33511-2384 Site Address: 0 E 60 Hwy Valrico, Fl 33594

SEC-TWN-RNG: 20-29-21 Acreage: 1.34254003 Market Value: \$609,085.00 Landuse Code: 1000 Vacant Comm.

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