



HILLSBOROUGH COUNTY Land Use Hearing Officer

LUHO RESULTS - FINAL

10:00 A.M. MONDAY, February 22, 2021

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

WELCOME AND THANK YOU FOR YOUR PARTICIPATION IN COUNTY GOVERNMENT.

HEARING SCHEDULE:

The LUHO Hearing will Start 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 February 22,2021

The following dates pertain only to applications heard at the February 22, 2021 hearing. The Hearing Officer shall file a Recommendation or Final Decision for each application on March 15, 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**

Present Hearing Officer Pamela Hatley

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 20-0398 Eloy Martinez

This application has been **WITHDRAWN** from processing by the **Zoning Administrator**.

Result: Withdrawn

Motion: Withdrawn.

A.2. VAR 20-1088 Francisco J. Otero-Cossio

This application is being **WITHDRAWN** by the **APPLICANT**.

Result: Withdrawn

Motion: Withdrawn.

A.3. SU-GEN 21-0003 Danice M. Donaldson & Alan Jones

This application is being **CONTINUED** by **STAFF** to the **April 26, 2021** LUHO.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 3/22/2021

A.4. SU-AB 21-0092 Gasparilla Pizzeria LLC

This application is out of order to be heard and is being **CONTINUED** to the **March 22, 2020** LUHO.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 3/22/2021

A.5. SU-GEN 21-0143 Life International Academy, Inc.

This application is out of order to be heard and is being **CONTINUED** to the **April 26, 2021** LUHO.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 4/26/2021

A.6. SU-LE 21-0144 Razorback Ranch, LLC.

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

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 3/22/2021

A.7. Application Number: VAR 21-0149

Applicant: Olga Zarza

Location: 7705 W. Henry Ave.

Folio Number: 007278.0000

Acreage (+/-): 0.16 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.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 3/22/2021

A.8. VAR 21-0181 Complete Signs LLC

This application is out of order to be heard and is being **CONTINUED** to the **March 22, 2021** LUHO.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 3/22/2021

A.9. VAR 21-0226 Cheryne Hyatt

This application is out of order to be heard and is being **CONTINUED** to the **March 22, 2021** LUHO.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 3/22/2021

A.10. VAR 21-0246 Syed Laeq Ali

This application is out of order to be heard and is being **CONTINUED** to the **March 22, 2021** LUHO.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 3/22/2021

- A.11. **VAR 21-0247 Cheryl C. Kilcoyne, Double E Land Company, LLC & Currie Investments, Inc.**
This application is out of order to be heard and is being **CONTINUED** to the **April 26, 2021** LUHO.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 3/22/2021

- A.12. **VAR 21-0248 Jason Pociask**
This application is out of order to be heard and is being **CONTINUED** to the **March 22, 2021** LUHO.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 3/22/2021

- A.13. **VAR 21-0275 Stephen J. Dibbs**
This application is being **CONTINUED** by **STAFF** to the **April 26, 2021** LUHO.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 3/22/2021

B. VESTED RIGHTS

C. FEE WAIVER

D. RECONSIDERATION REQUESTS

E. SITE DEVELOPMENT VARIANCE REQUESTS

E.1. Application Number: VAR 21-0201
Applicant: William Alvarodiaz
Location: 18107 Jorene Rd.
Folio Number: 001342.0300
Acreage (+/-): 1.74 acres, more or less
Comprehensive Plan: R-1
Service Area: Rural
Existing Zoning: ASC-1
Request: Requesting a variance to Encroach into the wetland conservation area setback .

Result: Denied

Motion: Denied.

F. SIGN VARIANCE REQUESTS

G. VARIANCE (VAR) REQUESTS

G.1. Application Number: VAR 20-0496
Applicant: Abbye Feeley
Location: 702 E. Brandon Blvd.
Folio Number: 069067.0000
Acreage (+/-): 0.59 acres, more or less
Comprehensive Plan: OC-20
Service Area: Urban
Existing Zoning: CG & SR 60
Request: Nature of Request: Variances to Section 3.14.00 State Road 60 (Brandon Boulevard) Overlay District, Section 6.01.01 Schedule of District Area, Height, Bulk and Placement Regulations, and Section 6.06.00 Buffering and Screening Requirements .

Result: Denied

Motion: Denied.

G.2. Application Number: VAR 21-0040
Applicant: Apostolic Bible Church of Brandon Inc.
Location: 2908 Bell Shoals Rd
Folio Number: 073184.0000
Acreage (+/-): 5.12 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: ASC-1
Request: Requesting a variance to allow three equivalent residential Connections on a septic tank in the urban service area.

Result: Approved

Motion: Approved.

G.3. Application Number: VAR 21-0185
Applicant: Emanuel Baez
Location: 14907 Philmore Rd.
Folio Number: 016764.0000
Acreage (+/-): 0.17 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: RSC-6
Request: Requesting a variance to accessory dwelling requirements.

Result: Denied

Motion: Denied.

G.4. Application Number: VAR 21-0187
Applicant: Frederick H & Crystal Doubleday
Location: 10902 Dixon Dr.
Folio Number: 077663.0000
Acreage (+/-): 4.79 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: ASC-1
Request: Requesting a variance to lot development standards.

Result: Approved

Motion: Approved.

G.5. Application Number: VAR 21-0202
Applicant: Eric Jones
Location: 10912 Winter Oak Pl.
Folio Number: Confid.0624
Acreege (+/-): 0.28 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: RSC-6
Request: Requesting a variance to lot development standards.

Result: Denied

Motion: Denied.

G.6. Application Number: VAR 21-0238
Applicant: Yavuz Kemer
Location: 2502 Derby Glen Dr.
Folio Number: 033951.0052
Acreege (+/-): 1.31 acres, more or less
Comprehensive Plan: R-1
Service Area: Rural
Existing Zoning: ASC-1
Request: Requesting a variance to fence requirements.

Result: Denied

Motion: Denied.

G.7. Application Number: VAR 21-0249
Applicant: Nelson C. Belett Diaz
Location: 912 N. Parsons Ave A
Folio Number: 067444.0000
Acreege (+/-): 0.54 acres, more or less
Comprehensive Plan: R-6
Service Area: Urban
Existing Zoning: RSC-6
Request: Requesting a variance to accessory dwelling requirements.

Result: Denied

Motion: Denied.

H. SPECIAL USES

H.1. Application Number: SU-GEN 20-0219
Applicant: APC Towers III, LLC
Location: 5513 S. 78th St.
Folio Number: 0048873.0100
Acreage (+/-): 6.25 acres, more or less
Comprehensive Plan: R-6
Service Area: Urban
Existing Zoning: CG
Request: Requesting a Special Use for wireless communication facility.

Result: Approved

Motion: Approved.

H.2. Application Number: SU-AB 21-0174
Applicant: Cigars OTB Inc.
Location: 1422 Apollo Beach Blvd
Folio Number: 052066.0600
Acreage (+/-): 0.73 acres, more or less
Comprehensive Plan: R-6
Service Area: Urban
Existing Zoning: CN
Request: Requesting a Special Use 4-COP Beer, wine, and liquor for sale and consumption on and off the permitted premises (package sales), with Separation waiver(s).

Result: Approved

Motion: Approved.

I. APPEAL (APP) REQUESTS