



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 24-0642 RIVERVIEW	
LUHO HEARING DATE: June 24, 2024	CASE REVIEWER: Richard Perez, AICP

REQUEST: The applicant is requesting a variance to waive the required sidewalks along the project’s roadway frontage on Simmons Ranch Court. The property is zoned Agricultural Single Family 1 (AS-1) and is designated Suburban Mixed Use 6 (SMU-6) within the County’s Urban Service Area.

VARIANCE(S):

GENERAL DESCRIPTION	REQUIREMENTS	VARIANCE	RESULT	APPLICABLE LDC SECTIONS
Variance from requirement to construct a sidewalk along the frontage of an internal buildable lot.	Construct a minimum 5-foot wide sidewalk along the frontage of an internal buildable lot to provide for safe pedestrian circulation.	Eliminate requirement to construct an American’s with Disabilities Act/Florida Accessibility Code compliant sidewalk along the property frontage.	The developer would not be required to construct sidewalk along the property’s Simmons Ranch Ct. frontage.	6.02.08.A. 6.02.08.B.2.

FINDINGS:

- Provided as Exhibit A, are a set of protocols designed to assist staff’s implementation of certain sections of the Land Development Code (LDC). These protocols have been implemented by the County Engineer as an interpretation of relevant sidewalk regulations as provided for within the LDC.
- Provided as Exhibit B, is a copy of the 2023 County Transportation Technical Manual, Section 2.9 pertaining to the technical design standards for sidewalks. These technical standards are approved by the County Engineer to provide guidance on design of roads related to subdivision and site plan developments.
- The applicant states that the alleged hardship is unique and singular to the subject property due to the fact the site being within “a small subdivision of 12 homes. 7 with no sidewalks” and “sidewalk will require fill and regrading of the drainage and movement of utilities and possibly the hydrant”. Staff finds that the applicant has failed to outline or describe a specific hardship that does not apply to any other property that is not

compliant with the LDC requirements to provide sidewalks by the time of issuance of the certificate of occupancy regardless of the existing condition of adjacent properties constructed prior to subject property. Staff also finds that all types of residential and non-residential developments within the County are required to construct sidewalks along their frontage with similar conditions that require filling regrading and/or designing around existing utilities. The Land Development Code provides for the flexibility to locate the frontage sidewalk on the subject property and establish an easement where there is limited right of way to construct a sidewalk along the project frontage pursuant to LDC, Sec. 6.03.02.D.

- The applicant asserts that “Subd[ivision] plat does not have sidewalks” and that the “Initial approved plans by the county did not include a sidewalk.” Staff finds that subdivision plats are not required to show sidewalks and residential single family subdivision plans with standard zoning districts, such as this one, are not required to show them because the sidewalk is required to be constructed by the individual internal lots at the time of construction and prior to issuance of certificate of occupancy pursuant to LDC, Section 6.02.08.B.2., “Prior to release of Certificates of Occupancy, sidewalks along buildable lots shall be constructed in the right-of-way along the entire width of the lot. The developer/builder shall be responsible for the construction of sidewalks for each individual lot(s).”
- With regards to the second criteria, staff finds the applicant was non-responsive. The applicant states that “*Typically sidewalk provide a dedicated and complete route for a pedestrian. That is impossible here. Also this is a small subdivision*”. Staff finds that pursuant to LDC, Sec. 6.02.08. that sidewalks are required along the frontage of development to provide for safe pedestrian circulation. As such the lack of the sidewalks make walking unsafe. Staff finds that there is a hospital on Simmons Loop road approximately a half mile from the subject property and a majority of the route to it has sidewalks to enable pedestrians to walk to it, and there are four schools within less than 1.5 miles of the subject property: East Bay Christian School, Belmont Elementary School, Creek Side Charter School, Sumner High School. See Exhibit C: Map of Hospital and Schools.

Furthermore, the applicant also states that the “*sidewalk now interferes with utilities, drainage and possibly the hydrant.*” Staff notes that there is no “right” to not construct ADA compliant sidewalks for the purposes of providing safe pedestrian access to limit the cost of designing compliant development; as such, no deprivation of rights can or will occur.

- With regard to the third criteria, the applicant states in the variance request that “*the condition of no sidewalk is prevalent in the subdivision.*” Staff finds that waiving the requirement to construct the sidewalk would deprive pedestrians traveling to or from properties located east and west of the property use of the sidewalk, a safer path of travel. The presence or absence of sidewalks along properties within the surrounding area is immaterial to the above referenced requirements relating to the provision of external sidewalks.

- The applicant’s response to the fourth criteria states “*The intent of the code is to create a dedicated and complete pedestrian path. This is impossible for this parcel to provide because adjacent parcels are built and approved with no sidewalk.*” The presence or absence of sidewalks along properties within the surrounding area is immaterial to the above referenced requirements relating to the provision of external sidewalks. Additionally, the existing condition does not preclude that sidewalk could be built along the roadway, and in front of the other properties, at some time in the future.

- With regard to the fourth criteria, staff notes the following sections of the Hillsborough County Comprehensive Plan, Mobility Element in support of the required sidewalks:
 - Goal 1, “Build and maintain a transportation system that supports the needs of all users with respect to ability, resources, identity and mode preference.”
 - Objective 1.2, “Consider both positive and negative socio-economic, physical and mental health impacts of transportation projects, especially on underserved communities including people with disabilities, chronic diseases and limited resources.”
 - Goal 2. “Achieve Vision Zero by providing a multimodal transportation system that prioritizes the safety of all roadway users.”
 - Objective 2. “Protect vulnerable users, such as bicyclists, pedestrians, children, seniors and people with disabilities, through a Safe Systems Approach, speed management techniques and context-sensitive multimodal facility design.”
 - Goal 4, “Provide safe and convenient connections within the transportation network that support multimodal access to key destinations, such as community focal points, employment centers and services throughout the County.”
 - Policy 4.1.2, “Require pedestrian and bicycle interconnections between adjacent, compatible development...”
 - Goal 5, “Create a sustainable transportation system that allows people to take their mode of choice to access necessities, opportunities, recreation and each other.”
 - Objective 5.3, “New development shall mitigate its impact on the multimodal transportation network.”
 - Objective 5.7, “Build a comprehensive bicycle/pedestrian system, including multiuse trails or side paths, sidewalks, pedestrian crossings and on-road bicycle facilities, to attract more people to walk and bicycle for all trip purposes.”

Staff also notes the following sections from the Community Design Component of the Future Land Use Element in support of the required sidewalks:

- Policy 15-1.1, “Design pedestrian facilities for designated roadways in urban and suburban areas to include the following considerations: Continuous sidewalks, free of obstruction...”
 - Policy 15-1.2, “Provide direct routes between destinations, minimize potential conflicts between pedestrian and automobiles...”
- As it relates to the Hillsborough County Land Development Code Section 6.02.08. standards requiring sidewalks for all subdivisions, staff notes the following subsections:
 - Sec. 6.02.08. A. “Sidewalks shall be required in all Land Use categories where

necessary to provide for safe pedestrian circulation. [emphasis added]

Public sidewalks and public sidewalk curb ramps shall conform to the current Transportation Technical Manual.”

- Sec. 6.02.08. B.2. “Prior to release of Certificates of Occupancy, sidewalks along buildable lots shall be constructed in the right-of-way along the entire width of the lot. The developer/builder shall be responsible for the construction of sidewalks for each individual lot(s).”
 - TTM Sec. 2.9.9, (as referenced in Sec. 6.02.08.A) states that “Sidewalks are required on both sides of the road. Exceptions to this requirement must be expressly permitted by the County LDC and reviewed and approved by the County Engineer. [emphasis added]
- With regard to the fifth criteria, staff finds that the applicant has failed to define a hardship or explain how the developer’s petition does not constitute a self-imposed action/hardship. The applicant’s statement that “*The conditions are the results of others that there are no sidewalks, and the County’s approval of plans that show no sidewalk, and the plat. The house across the street was just built and was CO’ed with no sidewalk.*” is immaterial. Sidewalks are required pursuant to LDC, Sec. 6.02.08, and there are only two ways that the requirement can be waived.
 - The County Engineer, as directed by the BoCC, and under the authority cited in the County Transportation Technical Manual, Sec. 2.9.9. “Sidewalks are required on both sides of the road. Exceptions to this requirement must be expressly permitted by the County LDC and reviewed and approved by the County Engineer.” [emphasis added] may administratively waive the sidewalk requirement, and
 - The Land Use Hearing Officer (LUHO) variance process.

Staff finds that there is no record of any approvals to waive the sidewalks for any of the other properties in the immediate area, the subdivision plat or any other plans that the applicant has referenced. However, the existing condition of the other properties are immaterial to the implementation of the LDC standards and requirements.

Furthermore, staff finds that the property owner sought the County Engineer’s approval to waive the required sidewalk along the frontage and, on August 18, 2023, the County Engineer concluded that the sidewalk is required to be constructed.

- With regards to the sixth criteria, the applicant states “*It will allow this parcel and applicant to exist as the many others, not cause intrusion and costs to move utilities and possibly a hydrant and recognize the plat and prior county approval.*” Staff finds that the applicant has failed, as required in the application, to explain how allowing the variance would “...result in substantial justice being done, considering both the public benefits intended to be secured by this Code and the individual hardships that will be suffered by a failure to grant a variance.” [emphasis added]. Staff notes that constructing the sidewalk along the subject property frontage consistent with LDC sidewalk requirements is not a hardship. Furthermore, staff finds that the absence of sidewalks is less safe than the presence of sidewalks and therefore the request to waive the sidewalk diminishes the

public benefit that sidewalks are intended to provide.

- Staff finds there is no information in the record indicating how a waiver of the required sidewalks would facilitate and accommodate safe pedestrian circulation or provide accessible routes. Staff finds the applicant has failed to describe how approval of the variance request would result in substantial justice to those pedestrians who would use the sidewalk.
- The site is located within a +/- 0.5 mile walking distance of St. Joesph Hospital off of Simmons Loop. See Exhibit C: Map of Hospital and Schools.
- Florida Administrative Code Section 6A-3.001 defines a reasonable walking distance as up to 2 miles between the home and school and one 1.5 miles between the home and an assigned bus stop.
- Staff finds that the followings schools are within 1.5 miles of the site (See Map in Exhibit C):
 - East Bay Christian School: +/-0.61 miles
 - Belmont Elementary School: +/-0.76 miles
 - Creek Side Charter School: +/-0.88 miles
 - Sumner High School: +/-1.38 miles
- On January 6, 2016 the Hillsborough BOCC adopted Resolution R16-007 pertaining to “Vision Zero” (the County’s goal that no loss of life is acceptable on County roadways).
- There is no credible information within the record indicating that pedestrian traffic can be safely accommodated without installation of a sidewalk.

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



Sheida Tirado, P.E.

Attachments: Protocol for Implementation of Sidewalks; Transportation Technical Manual; Hospital and School Map

APPLICATION: VAR 24-0642

LUHO HEARING DATE: June 24, 2024

CASE REVIEWER: Richard Perez, AICP



INFORMAL SIDEWALK IMPLEMENTATION PROTOCOL*

**This protocol has been authorized by the County Engineer in order to provide additional information regarding sidewalk regulations within the Land Development Code (LDC), and provide detail on how the Administrator interprets the relevant LDC provisions (i.e. to determine when sidewalks are required). Design criteria can be found within the Hillsborough County Transportation Technical Manual and the LDC.*

1. Is the project within a Planned Development (PD) zoning district? If yes, check the PD site plan and zoning conditions to determine whether any graphics, notes or zoning conditions relate to sidewalks. If so, they must be followed, and you should proceed through the remaining steps of the checklist. Consult a planner in the Zoning or Transportation Review Sections of the Development Services Department for additional guidance. Proceed to Step 2.
2. Is the project within one of the areas listed below? If so, staff should refer to the Special District Regulations within Section 3 of the Hillsborough County Land Development Code (LDC), which provide requirements for each specific area. These requirements can specify both where sidewalks shall be constructed, and where sidewalks shall not be constructed. Some also provide a separate protocol which can result in an “override” of the prohibition against constructing a sidewalk. Staff must evaluate each site separately at the time of permitting, since things can change over time.

If the project is not all or partially within one of these areas, then proceed to Step 3.

- Section 3.08.07, pertaining to **Keystone-Odesa Community Planning Area**
- Section 3.09.07, pertaining to the portion of the **Lutz Community Planning Area within the Rural Services Area**
- Section 3.10.06.11, pertaining to **Citrus Park Village**
- Section 3.12.09 and 3.12.10, pertaining to **Brandon Main Street**
- Section 3.17.03, pertaining to the **Ruskin Town Center Zoning District**
- Section 3.19.03, pertaining to the **Riverview Downtown Districts**

Note: Staff should use DSD viewer to determine the above information. If two or more Community Planning areas are listed or affect a given property, staff should seek guidance from a Zoning or Transportation Review Section planner in order to determine the appropriate standards to apply.

3. If the project is not within one of the areas listed above, then the general sidewalk rules provided for in the following LDC sections apply: Section 6.02.08, subdivision standards, sidewalks, and Section 6.03.02, site development standards, sidewalks. Proceed to Step 4.
4. Is the project within the Urban Services Area (USA)? If so, then sidewalks are required. If no, proceed to Step 5.
5. Is project outside of the USA? If so, follow the County Engineer’s sidewalk protocol to determine when sidewalks are required (i.e. proceed to Step 6). When one or more of the protocols are triggered, sidewalks are required.



SIDEWALK IMPLEMENTATION PROTOCOL*

6. County Engineer's Sidewalk Protocol for Sites within the Rural Service Area:

- a. Is the site all or within one (1) mile of the Urban Service Area? If yes, sidewalks are required to be provided as described in Sections 6.02.08 and 6.03.02 of the LDC. If no, proceed to 6.b.

Note: Staff should use DSD viewer to determine this information. All measurements for 6.a. shall be taken via a straight line (i.e. "as the crow flies").

- b. Is the site within a future land use or zoning designation that provides for extension of utilities outside of the Urban Services Area? Examples of these designations include the Wimauma Village Residential -2 (WVR-2) and Residential Planned – 2 (RP-2) future land use classifications. If no, proceed to 6.c. If yes, sidewalks are required.
- c. Is the site within a two (2) mile walking distance of a public school? If yes, sidewalks are required. If not, proceed to 6.d.

Note: Staff should use a combination of the DSD viewer and a thorough google maps search to determine this information. All measurements for 6.c. shall be taken via a "walking distance" methodology. More specifically, measurements shall be taken to determine whether any edges of the project parcel(s) are within a 2-mile walking distance of a public school, regardless of whether there are sidewalks along the walking route. Additionally, per Florida Statutes, all charter schools are considered public schools; however, charter schools are not listed within the DSD viewer (hence the need to also use a Google Maps search).

- d. Is the site located on a roadway which has been designated by the School District of Hillsborough County as having a hazardous walking condition, as defined by Section 1006.23, Florida Statutes? If yes, sidewalks are required. If no, sidewalks are not required, unless otherwise specified in Steps 7 or 8, below.

7. **Special Advisory 1.** Although sidewalks may not be required using steps 1-6 above, staff should note that sidewalks may be required pursuant to other rules or regulations. Specifically:

- a. Disabled parking must have ADA compliant accessible sidewalks provided between the disabled parking space and primary entrance(s) to the proposed use(s). Also, for commercial sites, ADA compliant accessible sidewalks must be provided between the primary entrance(s) of the proposed use(s) and each site arrival point (i.e. connection to the roadway system); and,
- b. Certain uses are subject to the Special/Conditional Use Regulations specified within [Part 6.11.00 of the LDC](#). These uses may have specific sidewalk requirements which must be enforced independent of the above protocols. For example, Section 6.11.24 requires special sidewalks internal to a site for Child Care Centers (i.e. daycare uses).



SIDEWALK IMPLEMENTATION PROTOCOL*

8. **Special Advisory 2.** Where sidewalks are described above as being required or prohibited, applicants generally have the option to apply for a Section 11.04 LDC variance from the specific regulation(s) which require or prohibit the sidewalk. Where a project is zoned as a Planned Development (PD), a site plan feature, plan note or zoning condition may have been written in such a way that would require a developer to construct a sidewalk, regardless of the process afforded by the LDC which may allow the property owner to seek a variance. Where a site plan feature, plan note or zoning condition conflicts with LDC standards or other regulations, the more stringent provision shall generally prevail.

For example, if a zoning condition were to state “The developer shall construct a sidewalk along all roadway frontages.”, the developer would be unable to obtain a variance to waive the required sidewalk without first modifying the PD zoning condition. If a zoning condition stated, “The developer shall construct a sidewalk along all roadway frontages, unless otherwise approved by Hillsborough County.”, then no zoning condition change would be necessary in order to allow the property owner to seek relief via the Section 11.04 variance process.

Similarly, a PD project may have shown a proposed sidewalk or pathway on a PD site plan, or otherwise included a note on the PD plan which stated the project would be providing a specific improvement. It should be noted that such graphics may be present without a corresponding zoning condition. Regardless, the presence of a graphic or note would have the same effect as a PD zoning condition, and the applicant may not be able to seek a variance without first modifying the PD site plan.

Note: Section 11.04 variances are very difficult for an applicant to get approved, and the application fee is +/- \$2,000 and takes at least 2-3 months. It is not simply a matter of, “I can’t afford to comply” or “I don’t want to comply”. An applicant must meet each of the six (6) variance criteria in order to receive approval. Staff should not direct people to this process unless appropriate (so as not to recommend something which will lead to additional delay and expense and is highly unlikely to result in their desired outcome), or unless staff takes the time to explain the process, challenges, and outcomes of similar variance requests (so they can evaluate whether the time, expense and risk is worth it). If they want more information on the process, staff should provide the appropriate information, as well as examples of previous denials. Staff should also make the applicants aware of what happens if the variance is denied (i.e. months from now, they may end up back in the same situation they are in today). Applicants should also be made aware that no certificates of occupancy (temporary or otherwise) can be granted until the required sidewalk is in place, pursuant to the LDC (reference Sections 6.02.08.B.2., 6.020.8.B.3., and 6.03.02.H.)

2.9 SIDEWALKS

- 2.9.1 The direction in Sections 2.9.2 through 2.9.9 will supersede the FDM design criteria.
- 2.9.2 Sidewalk Configuration
All proposed sidewalks are to have an Americans with Disabilities Act (ADA) compliant pedestrian ramps connecting the pedestrian path to the crossing road. Curbs will be designed according to Florida Department of Transportation (FDOT) Standard Plans Index 522- 002 so that the slope from the gutter line to the back of curb matches the slope of the ramp. The curb slope and the ramp slope must not exceed 1:12. The sidewalk ramps must be oriented, so the centerline of the pedestrian ramp is perpendicular to the road traversed. Ramps angled at 45 degrees into the intersection will not be allowed.
- 2.9.3 The pedestrian crossing must occur between the stop sign and the edge of pavement on the intersecting minor road. Hillsborough County Pedestrian Ramp Configuration [Index PRC-001](#) is provided to illustrate sidewalk curb ramp configurations at “4-Leg” intersections and “3-Leg” intersections. Where an arterial or collector road intersects with a local road the pedestrian local road crossing must occur between the stop bar and the edge of pavement.
- 2.9.4 Sidewalks must extend to the roadway at all intersections. Curb ramps are required at all locations where the sidewalk meets the road.
- 2.9.4.1 Midblock crossings on all roads must be approved by the TSD.
- 2.9.5 Sidewalk widths and thicknesses on local roads
- 2.9.5.1 Sidewalk widths on arterial and collector roads must meet the design criteria established in the FDOT Design Manual Section 222 Pedestrian Facilities. The standard thickness of a sidewalk on arterial and collector roads is six inches.
- 2.9.5.2 Sidewalk widths on local roads must be five feet or greater. The standard thickness of a sidewalk on local roads is four inches, except for sidewalks at driveways, curb ramps, and on maintenance berms of retention/detention ponds, where the thickness must be six inches. Where access to the pond for maintenance purposes crosses this sidewalk, the thickness must be six inches for a minimum length of 20 feet centered on the access. The manner of how the access will be identified is subject to approval by County staff. This location must be clearly identified in the plans.
- 2.9.6 Sidewalks, curb ramps, and handicap ramps must be constructed of Portland Cement Concrete, Class I. Materials and construction methods must conform to the latest version of the FDOT Standard Specifications for Road and Bridge Construction.
- 2.9.7 Detectable warning surfaces must meet all FDOT criteria including the latest versions of Standard Plans Index 522-002, Standard Specifications Section 527, and the Approved Products List (APL). The preferred color for curb ramp detectable warning surfaces is red. Should the background color of the sidewalk surface be red, a contrasting color must be approved by the County prior to installation.
- 2.9.8 When street trees are to be provided by the LDC or other regulation/criteria, sidewalk protection at the trees is required. The length of the required protection must be five feet on either side of the centerline (longitudinally) of the required tree. For additional information, refer to Tree Protection Details TD-16.

- 2.9.9 Sidewalks are required on both sides of the road. Exceptions to this requirement must be expressly permitted by the County LDC and reviewed and approved by the County Engineer.

2.10 BICYCLE FACILITIES AND SHARED USE PATHS (MULTI-USE TRAIL)

- 2.10.1 When selected, bicycle facilities must be designed to meet the standards in the latest editions of the HCTDM.
- 2.10.2 When selected, shared use paths (multi-use trail) must be designed to meet the standards in the latest edition of the HCTDM Section 2.1.5 (Shared Use Paths within the road right-of-way) and 2.1.7 (Shared Use Paths with independent right-of-way).

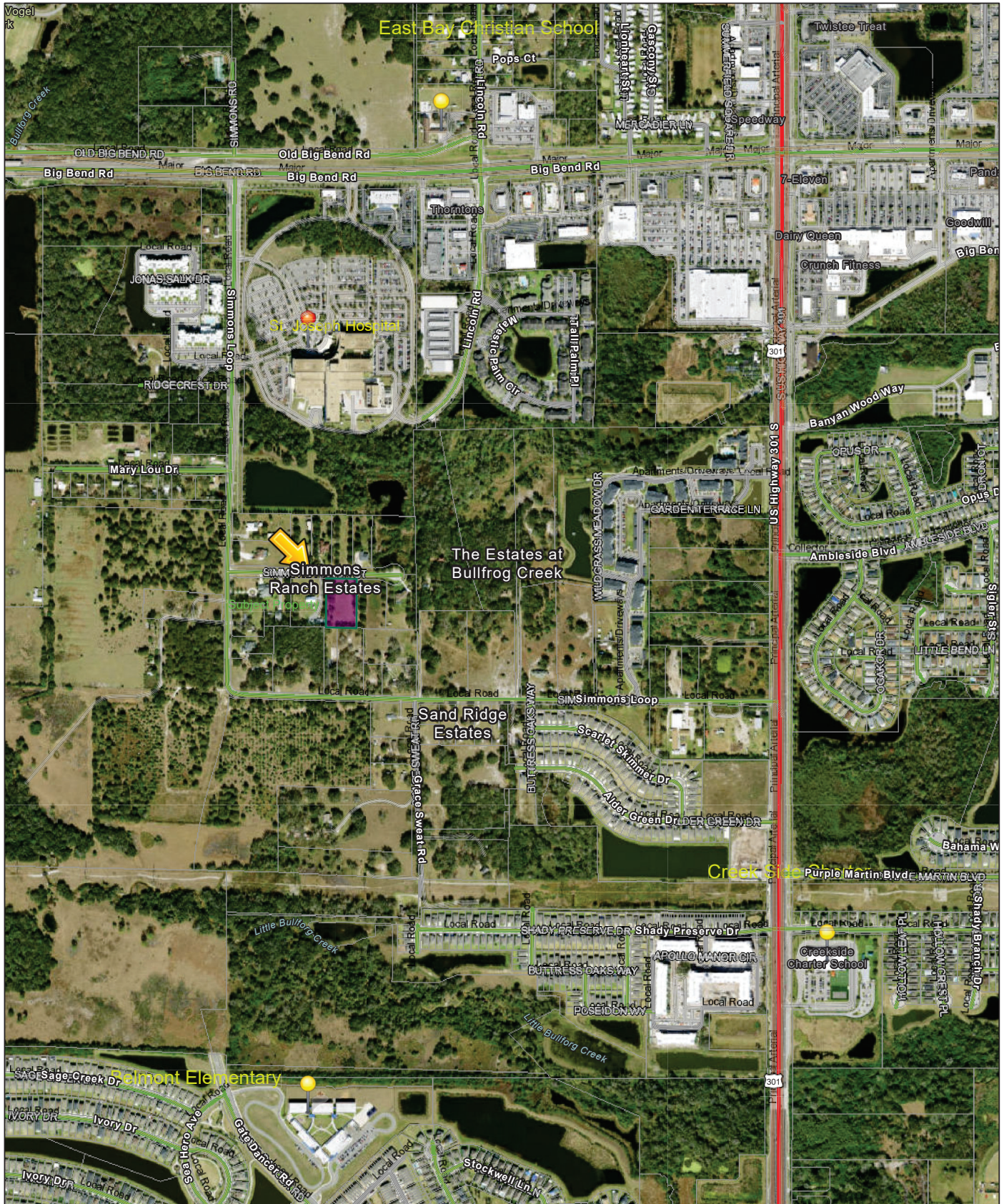
2.11 DEAD END STREETS

- 2.11.1 All dead-end streets that are greater than 150 feet must be designed to meet the requirements for a fire truck turnaround and meet LDC criteria. The maximum length for a dead-end street must be 1000 feet, unless otherwise approved.
- 2.11.2 Cul-de-sacs must be constructed at the end of dead-end streets. When the length of the street is 150 feet or less, the cul-de-sac can be constructed in accordance with the Cul-De-Sac Typical Detail TD-4, Sheet 1 of 2. However, when the length of a dead-end street is greater than 150 feet, the cul-de-sac must be constructed in accordance with the Cul-De-Sac Typical Detail TD-4, Sheet 2 of 2, which meets the fire code for fire truck turnarounds.
- 2.11.3 Where a street is to be continued when adjacent property is subdivided, or during phased construction, a temporary "T" type turnaround will be required when the street is 150 feet or more in length as measured from the nearest intersection. The "T" type turnaround will be constructed in accordance with the Temporary Dead End Treatment Typical Details TD-3 and must be clearly delineated per FDOT Standard Plans 700-109.

2.12 BUFFER WALLS

- 2.12.1 General: Buffer walls must be constructed along all arterial and collector roadways that abut all residential land uses that are processed through the Subdivision and/or Site Development Regulations of the LDC. For additional information, refer to Buffer Wall/Berm Typical Details TD-10 drawing. Buffer wall design should consider connectivity of pedestrians between developments and public facilities providing sidewalks and shared use paths (multi-use trail) at appropriate locations. Appropriate points of connection must be coordinated with the adjacent off-site property.
- 2.12.2 Horizontal Location
- 2.12.2.1 Buffer walls, including footings, must be parallel to and outside of the right-of-way.
- 2.12.2.2 In order to provide for the safe functional use of the sidewalk, a flat grass area measuring a minimum of two feet in width must be maintained between the outer edge of sidewalks and the closest portion of the buffer wall structure.
- 2.12.2.3 Where permanent easements are parallel to and contiguous to the road right-of-way, all structural elements of the buffer wall must be outside of the easement.
- 2.12.3 Ownership and Maintenance: Hillsborough County will not be responsible for any maintenance or liability associated with the buffer walls. Buffer walls must be owned and maintained by the

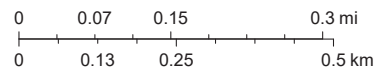
EXHIBIT C HOSPITAL AND SCHOOLS



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Road Names	— Pasco	— State of Florida
Roadway Jurisdiction	— Pinellas	— Temple Terrace
— City of Tampa	— Plant City	Roadway Classification
— Hillsborough County	— Polk	 Parcels
— Manatee	— Private	

1:9,028



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GOVERNMENTAL AND PUBLIC AFFAIRS

200 2ND AVENUE, SOUTH, #451, ST. PETERSBURG, FL. 33701

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WRITTEN STATEMENT

Requesting there is no sidewalk where a sidewalk is required for this property

This is a small subdivsion of 12 homes. 7 have been built with no sidewalks, this is the 8th. The subd. plat does not have sidewalks. The parcels along the same side of the street do not have sidewalks so this required sidewalk would be a sidewalk to no where. Initial approved plans by the county did not include a sidewalk. The applicant states that the house across thestreet has been CO'ed and there is no sidewalk. The sidewalk will require fill and regradingof the drainage and movement of utilities and possibly the hydrant.

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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?

This is a small subdivision of 12 homes. 7 with no sidewalks, this is the 8th. The subd. plat does not have sidewalks. The parcels along the same side of the street do not have sidewalks so this required sidewalk would be a sidewalk to no where. Initial approved plans by the county did not include a sidewalk. The sidewalk will require fill and regrading of the drainage and movement of utilities and possibly the hydrant

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.

Typically sidewalk provide a dedicated and complete route for a pedestrian. That is impossible here. Also this is a small subdivision. The plan approval of no sidewalk now interferes with utilities, drainage and possibly the hydrant.

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 condition of no sidewalk is prevalent in the subdivision.

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 intent of the code is to create a dedicated and complete pedestrian path. This is impossible for this parcel to provide because adjacent parcels are built and approved with no sidewalk.

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 conditions are the results of others that there are no sidewalks, and the County's approval of plans that show no sidewalk, and the plat. The house across the street was just built and was CO'ed with no sidewalk.

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.

It will allow this parcel and applicant to exist as the many others, not cause intrusion and costs to move utilities and possibly a hydrant and recognize the plat and prior county approval.

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This Instrument Prepared by:

Navin R. Pasem, Esq.
Law Office of Navin R. Pasem, P.L.
4830 West Kennedy Blvd., Suite 600
Tampa, FL 33609

After Recording Return to:

Sameer H. Nagamia
6601 South West Shore Blvd., #4107
Tampa, FL 33616

Parcel Identification Number: 077771-9106

(Space Above This Line For Recording Data)

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "**Deed**") is made as of October, 23, 2019 between **David Frustaci and Kelle Frustaci, husband and wife**, whose mailing address is 359 Cockle Shell Loop, Apollo Beach, FL 33572 ("**Grantor**") to, **Sameer H. Nagamia, a married man** whose mailing address is 6601 South West Shore Boulevard, #4107, Tampa, FL 33616 ("**Grantee**").

WITNESSETH:

THAT Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration paid to Grantor by Grantee, the receipt of which is hereby acknowledged, by these presents does grant, bargain, sell and convey to Grantee, and Grantee's successors and assigns forever, all the right, title, and interest in and to that certain real property (the "**Property**") located and situated in **Hillsborough** County, Florida and fully described as follows:

Lot 3, of SIMMONS RANCH ESTATES, according to the map or plat thereof as the same is recorded in Plat Book 99, Page 84 of the Public Records of Hillsborough County, Florida.

Together with an undivided interest in and to Parcel "A".

TOGETHER with all improvements, easements, tenements, hereditaments and appurtenances belonging to or in any way appertaining to the Property.

SUBJECT to taxes for 2019 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any, without intention of creation or reimposing same.

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

GRANTOR hereby specially warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through, or under Grantor, but none other.

The land described herein is not the homestead of the Grantor, and neither the Grantor nor the Grantor's spouse, nor anyone whose support the Grantor is responsible, resides on or adjacent to said land.

IN WITNESS WHEREOF, Grantor has duly executed this instrument as of the date first written above.

WITNESSES:

GRANTOR:

Jamie M Rogers
Print Name: Jamie M. Rogers

David Frustaci
David Frustaci

Samuel Lee
Print Name: Samuel Lee

Jamie M Rogers
Print Name: Jamie M. Rogers

Kelle Frustaci
Kelle Frustaci

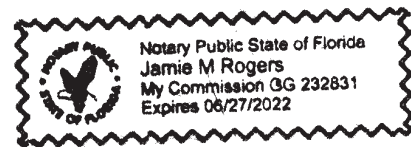
Samuel Lee
Print Name: Samuel Lee

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 23 day of October, 2019, by David Frustaci and Kelle Frustaci.

Jamie M Rogers

Signature of Notary Public
Print, Type/Stamp Name of Notary



Personally Known: _____ OR Produced the Following Identification: DRIVERS LICENSES



Property/Applicant/Owner Information Form

Application No: <u>24-0642</u>	Official Use Only	Intake Date: <u>04/04/2024</u>
Hearing(s) and type: Date: <u>06/24/2024</u>	Type: <u>BOCC</u>	Receipt Number: <u>355488</u>
Date: _____	Type: _____	Intake Staff Signature: <u>Alejandra Prado</u>

Property Information

Address: 10014 Simmons Ranch Ct. City/State/Zip: Riverview, FL

TWN-RN-SEC: 18/31/20 Folio(s): 77771.9106 Zoning: AS-1 Future Land Use: SMU-6 Property Size: 1.81

Property Owner Information

Name: Sameer H. Nagamia Daytime Phone 813-253-2700

Address: 11306 Emerald Shire Dr. City/State/Zip: Riverview, FL 33579

Email: shnagamia@gmail.com Fax Number _____

Applicant Information

Name: Todd Pressman Daytime Phone 727-804-1760

Address: 200 2nd ave., south #451 City/State/Zip: st. petereburg, FL 33701

Email: todd@pressmaninc.com Fax Number _____

Applicant's Representative (if different than above)

Name: todd pressman Daytime Phone 727-804-1760

Address: 200 2nd ave., south, #451 City/State/Zip: st. petersburg, FL 33701

Email: todd@pressmaninc,.com 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.

Signature of the Applicant

todd pressman, pressman & assoc., Inc

Type or print name

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.

Signature of the Owner(s) – (All parties on the deed must sign)

todd pressman, pressman & Assoc., Inc.

Type or print name



Submittal Requirements for Applications Requiring Public Hearings

Official Use Only

Application No: 24-0642 Intake Date: 04/04/2024
Hearing(s) and type: Date: 06/24/2024 Type: BOCC Receipt Number: 355488
Date: _____ Type: _____ Intake Staff Signature: Alejandra Prado

Applicant/Representative: todd pressman Phone: 727-804-1760

Representative's Email: todd@pressmaninc.com

The following information is used by reviewing agencies for their comments and should remain constant, with very few exceptions, throughout the review process. Additional reviews, such as legal description accuracy, compatibility of uses, agency reviews, etc., will still be conducted separately and may require additional revisions.

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

Part A: Property Information & Owner Authorization Requirements

Included	N/A	Requirements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Property/Applicant/Owner Information Form</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Affidavit(s) to Authorize Agent</u> (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.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Copy of Current Recorded Deed(s)</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Close Proximity Property Owners List</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Legal Description</u> for the subject site
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	<u>Fastrack Approval</u> (if applicable)

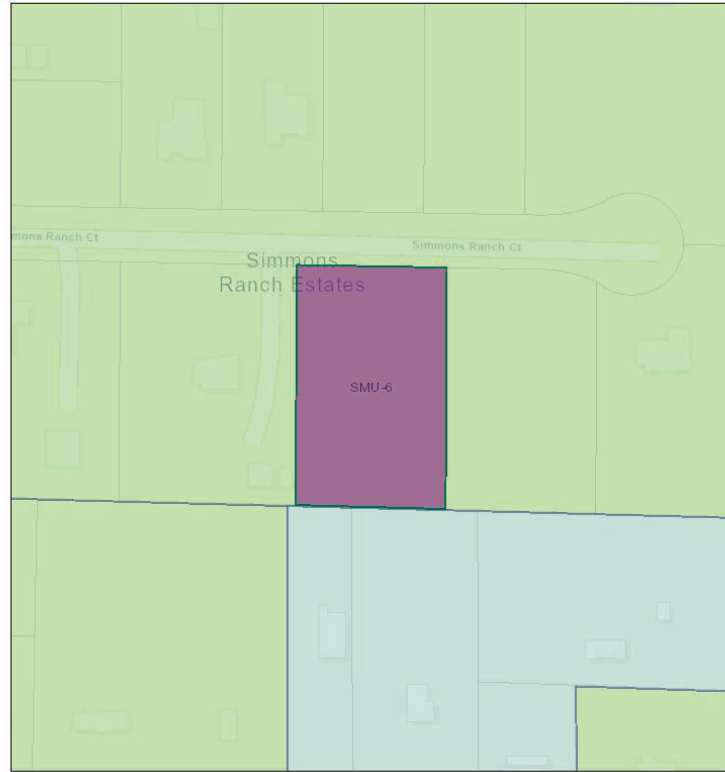
Additional application-specific requirements are listed in Part B.



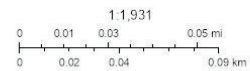
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AS-1
Description	Agricultural - Single-Family
RZ	98-0357
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0511H
FIRM Panel	12057C0511H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120511C
County Wide Planning Area	Riverview
Community Base Planning Area	SouthShore
Community Base Planning Area	Riverview
Census Data	Tract: 014007 Block: 1011
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: 77771.9106



April 9, 2024



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Hillsborough County Florida

Folio: 77771.9106
PIN: U-18-31-20-730-000000-00003.0
Sameer H Nagamia
Mailing Address:
 11306 Emerald Shore Dr
 null
 Riverview, FL 33579-4200
Site Address:
 10014 Simmons Ranch Ct
 Riverview, FL 33578
SEC-TWN-RNG: 18-31-20
Acreage: 1.81601
Market Value: \$171,743.00
Landuse Code: 0000 Vacant Resident

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