

**Fee Waiver Application:** FW 24-0776

**LUHO Hearing Date:** July 29, 2024

**Case Reviewer:** Isis Brown



**Hillsborough  
County Florida**

Development Services Department

**Applicant:** Jerry Hoffman

**Zoning:**

RSC-6 (MH)

**Location:** 10108 Midway Street, Gibsonton; Folio: 50300.0000

**Request:**

The applicant requests a fee waiver of the variance application fee on the basis of staff error. The Administrator is not authorized to grant fee waivers in such circumstances. Therefore, the subject request must be reviewed for approval of an Exception by the Land Use Hearing Officer. Per DRPM Section 9.7.G, the LUHO shall conduct an independent review of the request based on the criteria herein and the testimony at the proceeding. In granting an Exception, the LUHO shall be required to find extraordinary financial circumstances, emergency, catastrophe, or staff error which are outside the scope of the Administrator's authority to consider.

The staff report for VAR 24-0478 for the April 22, 2024, Land Use Hearing Officer Hearing omitted the third variance request, a request for a variance of two feet to the maximum fence height in a front yard, to allow a 6-foot-high fence in the front yard, which was discovered at the hearing. VAR 24-0478 was heard, and a decision was rendered for the two requested setback variances. Subsequently, the applicant has requested a fee waiver due to staff error to apply for a new variance request to the maximum fence height.

**Zoning Administrator Sign Off:**

Colleen Marshall  
Tue Jul 16 2024 09:52:43

**ATTACHMENTS: VAR 24-0478 REQUEST STATEMENT, STAFF REPORT AND TRANSCRIPTS**

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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. *PLEASE SEE APPENDUM I - 2 PAGES*

*THE OWNERS ARE REQUESTING A VARIANCE OF 3.5'  
FROM THE REQUIRED FRONT YARD SETBACK OF 25.0'  
RESULTING IN A FRONT YARD OF 21.50'. SEE ATTACHED  
MAP OF SURVEY. ACTUALLY THE STRUCTURE IS NOT "SQUARE"  
TO MIDWAY STREET, THE NORTH CORNER OF THE STRUCTURE IS 3.5' ENCROACHMENT  
INTO FRONT SETBACK AND THE SOUTH CORNER OF STRUCTURE IS 2.3' ENCROACHMENT  
THE OWNERS WERE IN THE PROCESS OF REBUILDING  
THE ENTIRE PERIMETER OF THE STRUCTURE, WHICH THEY  
PURCHASED THE PROPERTY MARCH 16, 2022, WHEN  
THEY RECEIVED CODE ENFORCEMENT VIOLATION # HC-CMP-  
23-0000424*

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

*PLEASE SEE ATTACHED APPENDUM I - PAGES 1 & 2  
6.01.01 FRONT PROPERTY SETBACK - FROM 25'0" TO AN  
AVERAGE OF 22.1'  
6.07.00 FENCE IN FRONT YARD - FROM 4' TO 6' TALL*

## 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. *ATTACHED HC-CMP-23-0000424*
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.
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

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February 22, 2024

ADDENDUM I Page 1/2

Re: 10108 MIDWAY STREET VARIANCE REQUEST

Additional Information:

Midway Street is a combination of five or six different zoning districts within the 300-foot Close Proximity Property List for the Subject Property. Please see the attached Zoning Map – Addendum 2.

Additionally, at the south side of Midway Street at the south end of this Proximity Property List, only four lots south of the Subject Property on the same side of Midway Street starts “Show Business” zoning which is extremely permissive.

Cater-cornered across the street from the Subject Property are more liberal current zonings; across from the Northwest corner is CN Zoning and across from the Southwest corner is RDC-12/RSB Zoning. Please see attached Zoning Map – Addendum 2.

Per our attached survey, our front setbacks at the dwelling front north corner is 21.50’ and at the dwelling’s front south corner is 22.70’. This would represent an average change in the front setback of 2.9’, just over a 10% variance to the 25’ front setback requirement. The Subject Property is 50 feet wide by 104 feet deep for a total of 5,200 square feet and zoned RSC-6 with a 25’ front and rear setback. If the Subject Property were 50 foot wide by only 100 feet deep, it would be a total of 5,000 square feet and would be zoned RSC-9 with a front and rear set back of 20’ front and rear set back thus eliminating the problem.

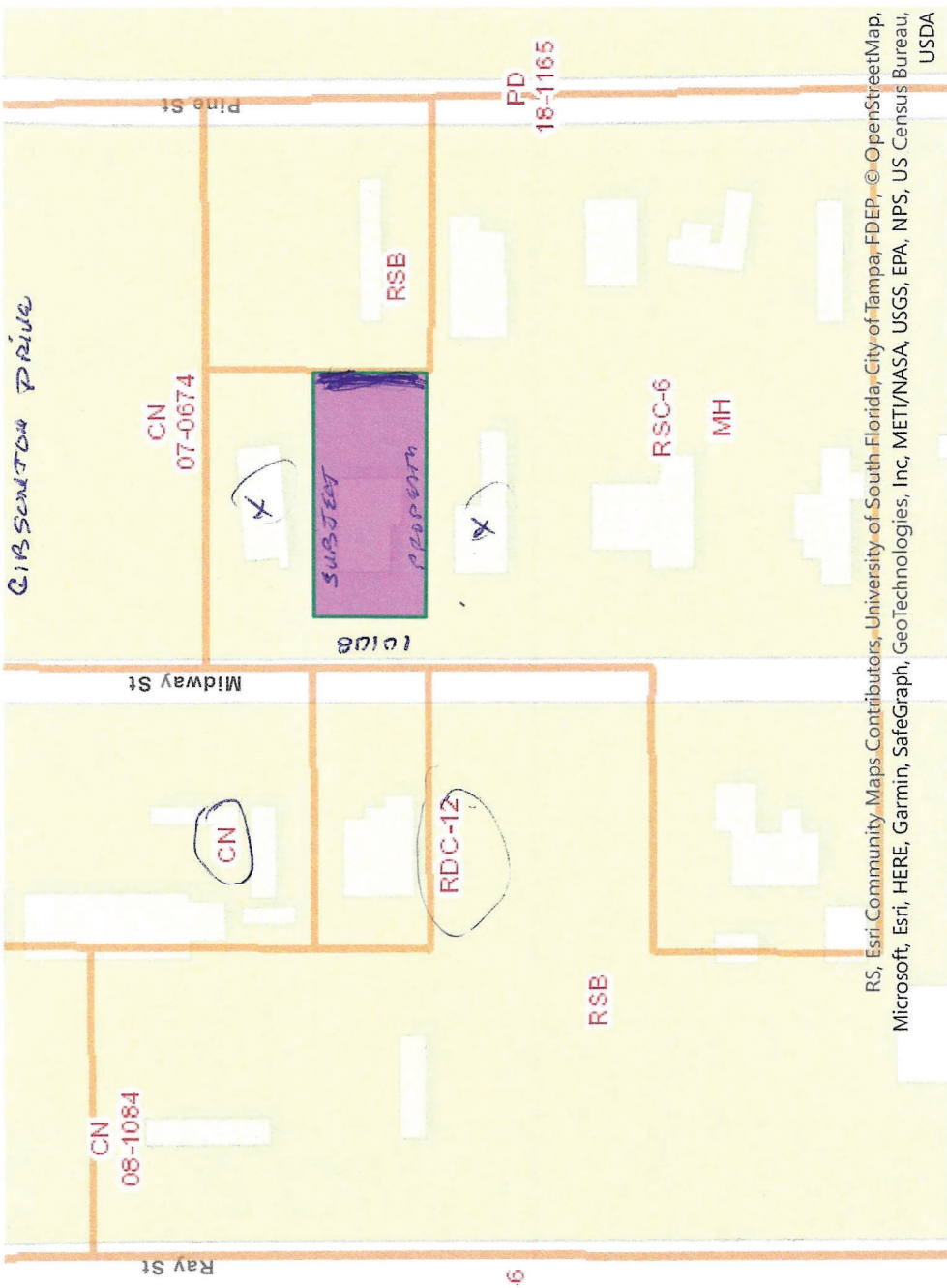
Regarding the front property fence, when the owner’s purchased the home in March of 2022, there was, and is, at the front of the Subject Property a 5’6” tall chain link fence with a 6’ chain link fence gate at the driveway. This would serve as tremendous help in protecting their children and helping to keep them safe as there are several large dogs in the neighborhood. Additionally, there are several homes on Midway Street with 6’ fences at their front property lines. We also request the approval for the front fence variance to 6’0” tall fence.

The Subject Property is definitely in need of being structurally re-fortified and these very humble owners are up to the challenge of completing the improvements with their very own hands and hard work. They commenced this work without a permit from the Building Department. Hence, the Code Enforcement/Building Code Violation. They have engaged a

structural engineer who will prepare a full set of remodeling plans from structural to all trade disciplines: mechanical, plumbing and electrical. We will submit these sealed drawings to the Hillsborough County Building Department for an after-the-fact permitting and follow completely the approved construction sequencing including all inspection requirements.

This is a very good and hard-working family and they humbly request the help of the variance process to allow them to keep their family home as it is currently located and to complete the permitting and remodeling process to allow them to improve their family living conditions and also improve their property appearance for the entire neighborhood.

ZONING MAP  
 ADDENDUM 2  
 RE: 10108 MIDWAY STREET



RS, Esri Community Maps Contributors, University of South Florida, City of Tampa, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

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**Variance Application: VAR 24-0478**  
**LUHO Hearing Date: April 22, 2024**  
**Case Reviewer: Isis Brown**



**Hillsborough  
 County Florida**

Development Services Department

Applicant: **Jerry Hoffman** Zoning: **RSC-6**  
 Address/Location: **10108 Midway Street, Gibsonton FL 33534; Folio No.: 50300.0000**


**Request Summary:**

The applicant is requesting variances to accommodate an existing single-family dwelling on property zoned RSC-6 (Residential, Single-Family Conventional-6).

**Requested Variances:**

| LDC Section: | LDC Requirement:   | Variance: | Result:                      |
|--------------|--|-----------|------------------------------|
| 6.01.01      | A minimum 25-foot front yard setback is required in the RSC-6 zoning district. | 3.5 feet  | 21.5-foot front yard setback |
| 6.01.01      | A minimum 7.5-foot side yard setback is required in the RSC-6 zoning district. | 0.5 feet  | 7-foot side yard setback     |

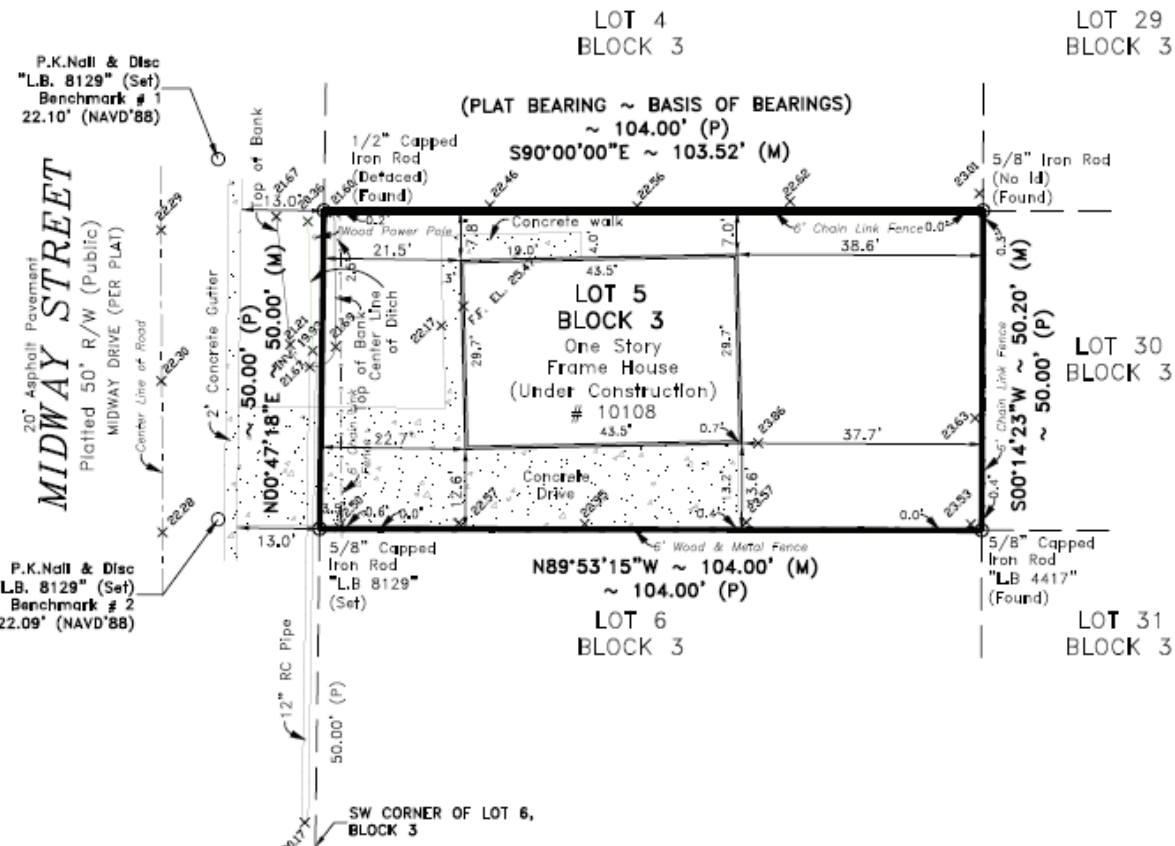
|           |  |
|-----------|--|
| Findings: | A minimum lot size of 7,000 square feet and minimum lot width of 70 feet is required in the RSC-6 district. The subject lot is approximately 5,227 square feet in size and 50 feet in width and therefore is nonconforming. However, it has been certified as a legal nonconforming lot, per NCL 24-0589 in the case record. |
|           | The subject parcel received a citation, HC-CMP-23-0000424 for failure to obtain a permit for construction of a single-family residence. Citation HC-CMP-23-0000424 has been placed in the case file for this this application.   |

|                                       |  |
|---------------------------------------|--|
| <b>Zoning Administrator Sign Off:</b> | <br>Colleen Marshall<br>Mon Apr 8 2024 13:16:44 |
|---------------------------------------|--|

**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.

SURVEY/SITE PLAN

MAP OF SURVEY



**NOTE:**  
 ELEVATIONS SHOWN HEREON  
 ARE IN FEET AND REFER TO  
 N.A.V.D. 1988 DATUM.

LEGAL DESCRIPTION:

INSTRUMENT# 2022155605

LOT 5, BLOCK 3, VARN'S RESUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 18, PAGE 59, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

TOGETHER WITH THAT CERTAIN 1993 SPRI MOBILE HOME VIN NO. CLFL35263A AND CLFL35263B, PERMANENTLY SITUATED THEREON.

Surveyor's Report and Additional Notes

1. No underground installations or improvements have been located except as shown hereon.
  2. Recovered Historical Monumentation was used by this surveyor to establish deed or plat lines and corners.
  3. Unless otherwise shown hereon, no Jurisdictional Wetland Areas or other physical topographic features have been located.
  4. This survey does not reflect nor determine ownership.
  5. Structures, driveways, alleys, appurtenances and other related items shown on this map were located to the best of the ability of Gateway Land Surveying, LLC. We do not guarantee the exactness of their location or their dimensions. Other features not shown on this map that are related to items noted above may also exist.
  6. Fences shown hereon may or may not meander along property lines; specific fence ties, as shown, are from specific locations. This surveyor makes no guarantee of the fence meander.
- This Survey does not represent a determination of whether this land will or will not flood or be subject to flooding.



1 MS. MARSHALL: Next item is item H.4. Variance  
2 24-0478. The applicant is Jerry Hoffman. The request is a  
3 variance to lot development standards. Staff findings will be  
4 provided by Isis Brown.

5 HEARING OFFICER: Good morning.

6 MS. BROWN: Good morning. Isis Brown, Development  
7 Services. Variance 24-0478.

8 The applicant is requesting variances to accommodate  
9 an existing single-family dwelling on a property zoned RSC-6.

10 The first variance per section -- LDC Section 6.01.01,  
11 a minimum of 25 feet is required in the front yard -- that's  
12 required in the front yard in the RSC zoning district. The  
13 applicant is requesting a 3.5 foot variance to allow 21.5 feet  
14 in the front yard. That's on the west of the property.

15 And the second variance per LDC section 6.01.01, a  
16 minimum of 7.5 feet is required in the side yard in the RSC  
17 zoning district, and the applicant is requesting a 0.5., so six  
18 inches, variance on the north side of the property, north rear  
19 side, to allow a seven-foot variance in the side yard.

20 Additional findings there is an NCL on this property,  
21 an approved NCL 24-0589, and it's in the record, the property is  
22 currently 5,227 square feet and it's supposed to be at a minimum  
23 of 7,000 square feet. And the subject parcel was also cited per  
24 citation HCCMP 23-0000424, for failure to not pulling a permit  
25 before construction. And that's also in the records.

1 I'm available for any questions.

2 HEARING OFFICER: Just one quick one. I was reading  
3 the backup and the applicant's narrative letter says that  
4 they're also asking for a variance for a six-foot fence in the  
5 front yard. Are you aware of that?

6 MS. BROWN: Negative.

7 HEARING OFFICER: Okay. We'll ask the applicant when  
8 they come and see if that is a part of it.

9 All right. Thank you so much. I appreciate it.

10 Is the applicant here?

11 Good morning.

12 MR. HOFFMAN: Good morning, Madam Hearing Officer.  
13 I'm Jerry Hoffman, 4536 Oak River Circle, Valrico 33596. First  
14 of all, I don't have clients. I just have friends. I'm not a  
15 professional presenter. I'm friends of theirs for years.  
16 There -- the Munoz's bought the property and began to repair it.  
17 And in the repair process saw that there was a lot of old damage  
18 in a mobile and then they began to recondition it.

19 They went too far without a permit, and we recognize  
20 that. We have since hired a structural engineer to come on  
21 board to evaluate what would have to be done to produce a full  
22 set of working drawings, predicated on receiving the variance of  
23 the front set back where the -- which is the primary  
24 requirement.

25 The property Ms. Brown just referred to a

1 nonconforming lot use that had -- so we -- we started with a  
2 variance hearing, and then Ms. Brown approached us and said,  
3 you're not in compliance with your lot. So we began that  
4 noncompliance lot process, only to be kind of confused because  
5 obviously it's another process, and it's another \$274, and the  
6 story goes on.

7 But I -- so I wanted to share with -- are you able to  
8 pull that -- she said that's part of the record. Do I need to  
9 put it on here or you can pull -- look at that?

10 HEARING OFFICER: You can just put it on the -- right  
11 on the elmo there, and talk off of it.

12 MR. HOFFMAN: Okay.

13 HEARING OFFICER: And then you can submit it into the  
14 record of it's not already. Please turn it over. There you go.

15 MR. HOFFMAN: So you can see this was approved just --

16 HEARING OFFICER: Sir, just pull that microphone over  
17 to you.

18 MR. HOFFMAN: I'm sorry.

19 HEARING OFFICER: There you go.

20 MR. HOFFMAN: This was approved just earlier in the  
21 month. And the point was is when we first went for our  
22 counseling on the variance hearing, they had expressed to us  
23 that, I guess, I should back up one more time. These are the  
24 tax -- I'll go back to that -- these are the tax sheets. And  
25 I'm just going to slide it forward to Page 2. No, that won't

1 work.

2           So the second page will show that this was always  
3 zoned RSC-6. And it's Varn's Resubdivision Lot 5 of Block 3.  
4 Well, that subdivision was approved in -- on September 29th of  
5 1929, almost 100 years ago, and they were all designed as 50- by  
6 100-foot lots. That's what they own. So it's exactly 5,200  
7 feet.

8           When we went for our first counseling for the  
9 variance, they shared -- well, this is zoned RSC-6, but you're  
10 not a RSC-6 lot. If you were RSC-9, I believe is what they  
11 referred to, you would only need a 5,000 -- minimum 5,000-square  
12 foot lot, and then your set back on the front would have been  
13 20-foot and five foot on the sides.

14           But because they call it RSC-6, and nobody knows why,  
15 you have to apply for a variance. So once we began to apply for  
16 the variance, then Ms. Brown asked us to go ahead and do the NCL  
17 which says apply now for a nonconforming lot, you should have  
18 had 7,000 square feet to be that zoned lot and then required  
19 those set back.

20           So we're kind of caught in this real -- we're, like,  
21 on the treadmill. And the owners are so humble, and they're  
22 doing all this work themselves, and with family and with  
23 friends. So it's an incredible project that they've undertaken.

24           Then then is the survey, so you'll see the actual  
25 dwelling is a little bit catawampus, so we have seven-and-a-half

1 feet on the front. I don't know if I can point to that. But we  
2 met the front -- the side set back on the front, and the rear of  
3 the structure is six inches off.

4 In the front, we are -- excuse me one second -- in the  
5 front, we are both two-foot-three inches short of the set back  
6 and on the other corner we're three-and-a-half feet short. So  
7 on an average, we're asking for a 22.1 foot set back in a  
8 25-foot required front set back.

9 The -- our application for the nonconforming lot,  
10 number -- Page 8 of 11, No. 2 is please see the attached  
11 addendum, pages one of two, the front property setbacks and then  
12 also the fence in the front yard from a four to a six-foot tall.  
13 So it is included in that appearance.

14 HEARING OFFICER: All right. We'll have to -- we'll  
15 double-check that because that's not referenced in the staff  
16 report at all. And I'm just concerned that that was not part of  
17 the notice. So if we could check and see if that was  
18 advertised, that fence in the front yard.

19 MR. HOFFMAN: Let me --

20 HEARING OFFICER: But let me -- if I could just ask  
21 you a couple of clarifying questions, while --

22 MR. HOFFMAN: Sure.

23 HEARING OFFICER: -- while we're looking that up.

24 You mentioned in the beginning of your presentation  
25 that this -- you said the construction was a mobile home; is



1 that correct?

2 MR. HOFFMAN: Correct.

3 HEARING OFFICER: All right. And then when you put  
4 your nonconforming lot letter on the overhead, I believe it said  
5 that the property was on RSC-6 mobile home; is that correct?

6 MR. HOFFMAN: Well, that's the first time I've seen --  
7 if you look, then, on the --

8 HEARING OFFICER: Because the staff report says RCS-6  
9 without -- it doesn't reference a mobile home, neither does the  
10 agenda.

11 MR. HOFFMAN: Yeah.

12 HEARING OFFICER: But then your survey -- that --  
13 there's some contrary documents here. So the survey you showed  
14 a minute ago said -- I believe it called it -- the structure of  
15 frame housing.

16 And so it leads me to my first question, which was  
17 when you say that the property owners were altering the  
18 perimeter of the property -- of the structure, did they change  
19 the footprint? When they bought the property, was that  
20 structure there?

21 MR. HOFFMAN: No, they're going straight down now, but  
22 they're going to be required to put a whole structural footer in  
23 there because of how they're improving the out -- the --

24 HEARING OFFICER: Okay. So my -- it goes to my  
25 question of was the structure there when they bought it in its

1 current location?

2 MR. HOFFMAN: As -- yes, correct.

3 HEARING OFFICER: Okay. So they didn't create that  
4 set back issue?

5 MR. HOFFMAN: No.

6 HEARING OFFICER: All right. And then you have  
7 said -- and my second question was are you requesting the fence  
8 in the front yard, and you said yes to that?

9 MR. HOFFMAN: Yes.

10 HEARING OFFICER: The six-foot fence? Okay. Was that  
11 fence there when they bought it?

12 MR. HOFFMAN: The fence was also there.

13 HEARING OFFICER: Okay.

14 MR. HOFFMAN: And they have children, and the  
15 neighborhood has some serious dogs.

16 HEARING OFFICER: Okay.

17 MR. HOFFMAN: So that's a help to -- that would be  
18 very safe for them to do that. And then --

19 HEARING OFFICER: Do you have something else you want  
20 to add before we move on?

21 MR. HOFFMAN: One real quick thing then on that  
22 letter.

23 HEARING OFFICER: Sure.

24 MR. HOFFMAN: Ms. Brown, do you have a copy of the  
25 letter faster than I do that was sent out? For the -- no, for

1 the variance hearing?

2 HEARING OFFICER: You mean the adjacent property  
3 notice?

4 MR. HOFFMAN: Yes.

5 HEARING OFFICER: We can look that up.

6 MR. HOFFMAN: There it is. And it just states that it  
7 was a variance, as I see that.

8 HEARING OFFICER: Oh, I see. Okay. All right.

9 MR. HOFFMAN: But on our application, it did say that.

10 HEARING OFFICER: Yeah, I read it in your narrative.

11 MR. HOFFMAN: Okay.

12 HEARING OFFICER: All right. Those are my only  
13 questions unless you had anything else?

14 MR. HOFFMAN: Just we humbly request your support, and  
15 they would love to make an improvement there. I do have one  
16 letter I'd like to introduce. Their neighbor immediately to the  
17 south, their next-door neighbor, this has also been provided to  
18 staff, but she supports what they're doing there. And I'll be  
19 glad to --

20 HEARING OFFICER: And this person is next door?

21 MR. HOFFMAN: Immediately to their south. Abutting  
22 them to the south.

23 HEARING OFFICER: Okay. Oh, I do see that in the  
24 record, yes. And I did see that letter.

25 All right. Perfect. Thank you very much. I

1 appreciate it.

2 MR. HOFFMAN: Thank you.

3 HEARING OFFICER: If you could please sign in with the  
4 clerk's office.

5 MR. HOFFMAN: Will do, thank you.

6 HEARING OFFICER: And you're welcome to submit  
7 whatever documents you'd like into the record.

8 MR. HOFFMAN: I think you have everything, but --

9 HEARING OFFICER: All right. Thank you so much.

10 Is there anyone in the room or online that would like  
11 to speak in support? Anyone in favor? Seeing no one.

12 Anyone in opposition to this request? All right.

13 Sir, did you want to speak at all? Oh, no. Someone  
14 in the audience stood up for a second. No?

15 Sure, yeah. Go ahead and come forward. So you're  
16 going to testify in support?

17 If you could just give us your address to start.

18 MR. M. MUNOZ: My name is Miguel Munoz. I live in  
19 8750 Barcin Circle, Riverview. Anyway, can my --

20 MR. A. MUNOZ: Can I translate for him?

21 HEARING OFFICER: Absolutely. Just give us your name  
22 and address and then you can translate.

23 MR. A. MUNOZ: My name is Angel Munoz. My address is  
24 8750 Barcin Circle, Riverview, Florida 33578.

25 HEARING OFFICER: Thank you. Go ahead.

1 MR. M. MUNOZ: We would just love to build a home to  
2 have a place for to live with our family. We acknowledged that  
3 we made a mistake in not fully researching what we need and the  
4 permits we needed and the setbacks we had.

5 And we would love to better the community. It would  
6 improve the price there too. And we just hoped that we could  
7 get the variance. It would just be our first home that we own,  
8 that we would like to have. And it would cost us a financial  
9 burden, because we already invested this with no loan. It was  
10 all out-of-pocket, and we would just love to get this variance.  
11 Thank you. That will be all.

12 HEARING OFFICER: Thank you so much. If you could  
13 both sign in. I appreciate it.

14 All right. So we called for persons in support and I  
15 position and we'll go back to Development Services.

16 MS. MARSHALL: Unfortunately, the fence variance was  
17 inadvertently missed by staff. It was not noticed. So the  
18 applicant would have either the option to continue without that  
19 fence variance to move forward without the fence variance or  
20 continue to the next available hearing so that that could be  
21 properly noticed.

22 HEARING OFFICER: Is that based on the notice letter  
23 that went out? Is that your opinion? Because it didn't specify  
24 what kind of variance. If that's your position, that's fine.  
25 I'm just asking. Hang on one second. Because the gentleman

1 showed a copy of the notice letter that just said the word  
2 variance. It didn't specify front or side or anything.

3 If you need an opportunity to review it, then that --  
4 I certainly understand.

5 MS. MARSHALL: Yes, let me just pull it back up.

6 HEARING OFFICER: Sure.

7 MR. HOFFMAN: May I interrupt?

8 HEARING OFFICER: No, sir. Just one second, please.

9 MR. HOFFMAN: Sorry.

10 HEARING OFFICER: Thanks. No, that's okay.

11 MS. MARSHALL: Yes, the nature of the request just  
12 indicated the variance to lot development standards and  
13 unfortunately would have had to also include the variance to  
14 fence requirements.

15 HEARING OFFICER: Okay. So they would need to  
16 continue. And would they be required to renotice?

17 MS. MARSHALL: Yes.

18 HEARING OFFICER: Okay. All right. Did you have  
19 anything you wanted to add before I move on besides that?

20 MS. MARSHALL: No.

21 HEARING OFFICER: Okay. Thank you so much.

22 Sir, go ahead -- come forward. Give us your name just  
23 one more -- real quick.

24 MR. HOFFMAN: Thank you. Jerry Hoffman.

25 HEARING OFFICER: Do you understand what just

1 happened?

2 MR. HOFFMAN: Well, I understand what happened, but we  
3 discussed -- I discussed that with staff and that -- no --  
4 that's how it was added to the -- when we submitted that. It  
5 was discussed. I mean, specifically, discussed. Because I even  
6 went to the point to put the fence is five-foot-six and the gate  
7 is six foot. We went back out and measured that, he and I did.  
8 So we did --

9 HEARING OFFICER: Let me get their comments. Thank  
10 you.

11 MS. MARSHALL: Unfortunately, because it was not  
12 noticed, it would, unfortunately, have to continue.

13 HEARING OFFICER: Can you show the applicant's  
14 representative, maybe Ms. Brown, you can show him notice letter  
15 where it needed to say the fence rather than just lot  
16 development standards and maybe that'll clear up the confusion.

17 MR. HOFFMAN: So does that mean we continue or start a  
18 whole new variance?

19 HEARING OFFICER: No, you just continue.

20 Rosa, what's the next date?

21 MS. TIMOTEO: June 24.

22 HEARING OFFICER: June 24. Okay. This is --

23 MR. HOFFMAN: Thank you. Would we come back next  
24 month or two months?

25 HEARING OFFICER: They're telling me the next date

1 would be June 24th you'd come back.

2 MR. HOFFMAN: (Unintelligible).

3 HEARING OFFICER: If you could come on the record.  
4 All of this back and forth has to be on the record. On the  
5 microphone.

6 MR. HOFFMAN: There is no way to come before June  
7 24th?

8 HEARING OFFICER: Let's talk to staff. There is  
9 noticing requirements, so --

10 MS. TIMOTEO: (Unintelligible) so June 24th to give  
11 you time to mail the letters before May 24th. It's too late for  
12 May.

13 MR. HOFFMAN: Okay. Well, I -- and I don't know that  
14 date for sure, so I can communicate back to Ms. Brown and tell  
15 her either June 24th or then to July would be the next one? Is  
16 that --

17 MS. TIMOTEO: June 24th would be the next one.

18 MR. HOFFMAN: And what would be the one following  
19 that, then in July?

20 MS. TIMOTEO: July 29th.

21 MR. HOFFMAN: Okay. Let me come back to them with  
22 that.

23 HEARING OFFICER: Absolutely.

24 MR. HOFFMAN: But let me make sure the fence is  
25 important, real quick, if they want to --



1 HEARING OFFICER: Yes, if you'd like to withdraw that,  
2 then we could move forward. Absolutely.

3 MR. HOFFMAN: Madam Hearing Officer, I guess the  
4 question would be -- hate to start it over -- because it's  
5 exposed to the weather, I hate to let their house continue two  
6 more months longer. They would -- they'll start working, like,  
7 little beavers, you know, right away.

8 Is there any way to get a reading on what your ruling  
9 would be on the first one and we would come back for a  
10 continuance on the --

11 HEARING OFFICER: No, we -- it's not how it works.

12 But what you could do is you could move -- you could  
13 withdraw the fence from today's application. We could move on  
14 through the process, and it would be. My decision would be  
15 issued within 15 business days following today.

16 MR. HOFFMAN: Okay.

17 HEARING OFFICER: And then in the future, they could  
18 come back and file a new variance if they like for the fence.

19 MR. HOFFMAN: Can they do that at no charge then?  
20 Because that's --

21 HEARING OFFICER: And you can ask for a fee waiver?  
22 That would be up to staff whether --

23 MR. HOFFMAN: Because that's 2,000 -- 1,985 that they  
24 paid and it wasn't their -- that would be the most -- the  
25 biggest --

1 HEARING OFFICER: You'd have to justify the fee  
2 waiver, Ms. Marshall?

3 MS. MARSHALL: Yes, you could request a fee waiver  
4 based on staff error. It does -- that also goes to the hearing  
5 officer who renders the decision on the fee waiver? And if that  
6 was approved, then the money for that variance would be refunded  
7 to you.

8 MR. HOFFMAN: For the next variance?

9 MS. MARSHALL: Yes.

10 MR. HOFFMAN: And it -- so you come two more -- so you  
11 have to come to that hearing first?

12 MS. MARSHALL: It can on concurrently with the new --

13 MR. HOFFMAN: Okay. Let's do that. Because that way  
14 we can start with your ruling on this decision and then -- is  
15 that fair? Is that all right?

16 HEARING OFFICER: Oh, that works for me. Absolutely.

17 MR. HOFFMAN: Is that all right?

18 HEARING OFFICER: All right.

19 MR. HOFFMAN: And thank you.

20 HEARING OFFICER: Thank you. No, I appreciate your  
21 patience.

22 MR. HOFFMAN: No, thank you.

23 HEARING OFFICER: So just for the record, we're going  
24 to withdraw the fence -- you're going to withdraw the fence  
25 portion of this application, and we're only moving forward with

1 the set back -- the two set back variances for the single  
2 family?

3 MR. HOFFMAN: Please.

4 HEARING OFFICER: Yes.

5 MR. HOFFMAN: Please.

6 HEARING OFFICER: Okay. All right. Did you have  
7 anything else?

8 MR. HOFFMAN: With the intent of coming back and doing  
9 that procedure --

10 HEARING OFFICER: Yes. That will be the fee waiver  
11 and the fence variance is a completely separate application.

12 Did you have anything else before I close?

13 MR. HOFFMAN: Thank you.

14 HEARING OFFICER: All right. Thank you very much.

15 Staff, did you have anything else you wanted to add  
16 before I close?

17 MS. MARSHALL: No. Thank you.

18 HEARING OFFICER: All right. Thank you so much. Then  
19 with that, we'll close variance 24-0478, and go to the next  
20 case.

21

22

23

24

25

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# Hillsborough County Florida

## DEVELOPMENT SERVICES

PO Box 1110, Tampa, FL 33601-1110  
(813) 272-5600

May 17, 2024

### REFERENCE: FW 24-0776

Jerry Hoffman  
PO Box 2164  
Brandon, FL 33509-2164

Dear Applicant:

This letter is in response to your fee waiver application, FW 24-0776, which seeks to waive the application fee for a variance request for property located at 10108 Midway Street, with folio# 50300.0000, on the basis of staff error.

Please be advised that pursuant to Section 9.7 of the Development Review Procedures Manual, staff may not approve any fee waivers requested on the basis of staff error. Additionally, such requests are automatically scheduled for review by a Land Use Hearing Officer at a public hearing.

Accordingly, your fee waiver application has been scheduled for review by a hearing officer on **June 24, 2024**. The meeting will begin at 9:00 am in the 2<sup>nd</sup> Floor Boardroom at County Center, 601 E. Kennedy Blvd., in downtown Tampa. At that time, you may present testimony and evidence to the hearing officer on the matter. Please note that failure to appear at the hearing, unless you request a continuance in advance, will result in denial of your fee waiver request.

Please contact our office if you have any questions.

Sincerely,

Brian Grady, Director  
Community Development Division  
Development Services Department

CC: Israel Monsanto, Executive Planner, Development Services  
Colleen Marshall, Executive Planner, Development Services  
Maricela Medrano, Executive Planner, Development Services  
Carmen Mason, Planning and Zoning Technician II, Development Services

## BOARD OF COUNTY COMMISSIONERS

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Harry Cohen  
Ken Hagan  
Pat Kemp  
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Michael Owen  
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## COUNTY ATTORNEY

Christine M. Beck

## COUNTY INTERNAL AUDITOR

Peggy Caskey

## DEPUTY COUNTY ADMINISTRATOR

Gregory S. Horwedel

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## **SUPPLEMENTAL DETAILED NARRATIVE**

On Monday, April 22, 2024, Variance Case # 24-0478 was heard before the Land Use Hearing Officer, Susan Fintch. A copy of the Variance Application is attached.

The Variance Application had two separate items requested in both the Project Description as seen on Application Page 8 of 11, Item #2 and Project Description Addendum 1 Page 1/2 Variance Request, Additional Information, paragraph 5. Specifically, the Variance Request addressed in the two separate items were:

- 1) 6.01.01 Front Property Setback and
- 2) 6.07.00 Fence in Front Yard – from 4’ to 6’ tall.

At the hearing, “staff” indicated that they had erred in how they requested and approved the Land Use Hearing Officer Letter of Notice: requesting a “Variance”. The County Attorney requested that the fence in the front yard be included at a future date in a “New Variance” and Land Use Hearing Officer Letter of Notice.

The Hearing Officer, Mrs. Fintch indicated that she could complete this hearing pertaining to the Variance request for the front property setbacks, allowing the fence Variance to become a separate request.

It was further discussed and suggested that for the following Land Use Hearing, for the Fence Variance, that the Applicant request a Fee Waiver exemption due to staff error in not including the fence height variance in the initial Notice for the Hearing of April 22, 2024.

Therefore, we humbly request that Hillsborough County provide us with an exemption for the fee to file the Fence Variance.

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# Fee Waiver Application



**Hillsborough  
County Florida**  
Development Services

### Important Instructions to All Applicants:

- Please submit this form and required documents to [ZoningIntake-DSD@HCFL.gov](mailto:ZoningIntake-DSD@HCFL.gov).
- All documents must be submitted as separate PDFs. Each PDF document must be named according to its contents. All of the PDF documents must be submitted in a single e-mail.
- Payment instructions will be sent to you after receipt of the complete application.
- Please allow a minimum of 30 business days for review and response.
- We cannot accept phone, fax or email requests that are not submitted pursuant to these instructions.

### Official Use Only

Application No: 24-0776 Intake Date: 05/06/24 Receipt Number: 364568 Intake Staff Signature: Alejandra Prado

### Property Information

Address: 10108 Midway Street City/State/Zip: Gibson, FL 33534  
TWN-RN-SEC: 25-30-19 Folio(s): 050300.0000 Zoning: R-6  
Future Land Use: R-6 Property Size: 50 x 104 = 5,200 SF 0.12 Acres

### Property Owner Information

Name: Miguel Munoz, Angels Stucco Inc. Daytime Phone 813-503-2696  
Address: 8750 Bacin Circle City/State/Zip: Riverview, FL 33578  
Email: angelsstucco@outlook.com Fax Number N/A

### Applicant Information

Name: Jerry Hoffman Daytime Phone 813-503-2696  
Address: PO Box 2164 City/State/Zip: Brandon, FL 33509-2164  
Email: jhoffm10@tampabay.rr.com Fax Number N/A

### Applicant's Representative (if different than above)

Name: Same as Applicant Daytime Phone \_\_\_\_\_  
Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ 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.

Jerry Hoffman 4/29/24  
Signature of the Applicant

Jerry Hoffman  
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.

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

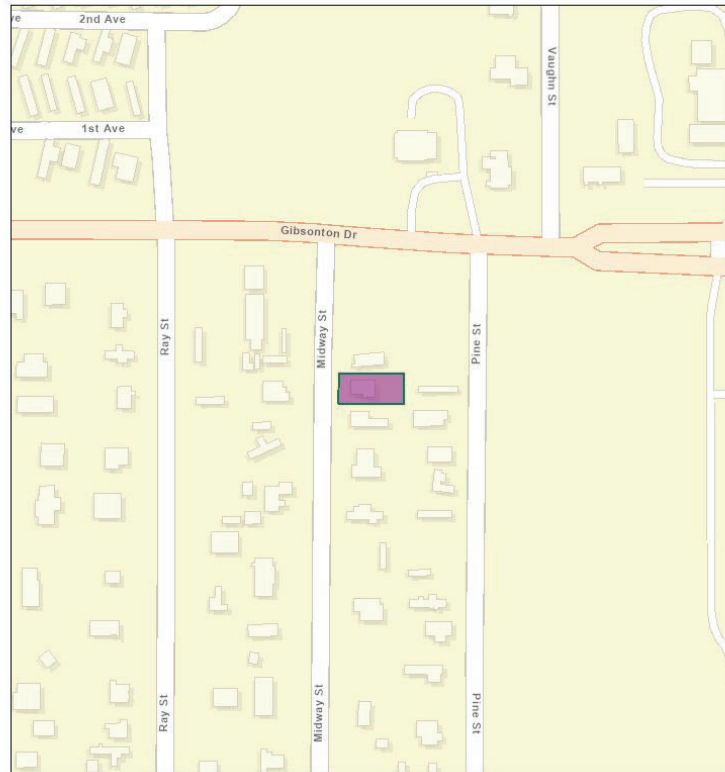
Miguel Munoz  
Type or print name



# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

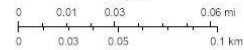
|                               |  |
|-------------------------------|--|
| Jurisdiction                  | Unincorporated County                    |
| Zoning Category               | Residential                              |
| Zoning                        | RSC-6                                    |
| Description                   | Residential - Single-Family Conventional |
| Overlay                       | MH                                       |
| Flood Zone:X                  | AREA OF MINIMAL FLOOD HAZARD             |
| FIRM Panel                    | 0501H                                    |
| FIRM Panel                    | 12057C0501H                              |
| Suffix                        | H  |
| Effective Date                | Thu Aug 28 2008                          |
| Pre 2008 Flood Zone           | X  |
| Pre 2008 Firm Panel           | 1201120501C                              |
| County Wide Planning Area     | Gibsonton                                |
| Community Base Planning Area  | SouthShore                               |
| Community Base Planning Area  | Gibsonton                                |
| Census Data                   | Tract: 013803<br>Block: 1006             |
| Future Landuse                | R-6                                      |
| Urban Service Area            | USA                                      |
| Mobility Assessment District  | Urban                                    |
| Mobility Benefit District     | 4  |
| Fire Impact Fee               | South                                    |
| Parks/Schools Impact Fee      | CENTRAL                                  |
| ROW/Transportation Impact Fee | ZONE 8                                   |
| Wind Borne Debris Area        | 140 MPH Area                             |
| Competitive Sites             | NO                                       |
| Redevelopment Area            | NO                                       |

Folio: 50300.0000



May 6, 2024

1:2,146



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Hillsborough County Florida

**Folio: 50300.0000**  
**PIN: U-25-30-19-1RO-000003-00005.0**  
**Angels Stucco Inc**  
**Mailing Address:**  
 8750 Barcin Cir  
 null  
 Riverview, FL 33578  
**Site Address:**  
 10108 Midway St  
 Gibsonton, FL 33534  
**SEC-TWN-RNG: 25-30-19**  
**Acreage: 0.123574**  
**Market Value: \$67,613.00**  
**Landuse Code: 0200 Mobile Homes**

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