



**Hillsborough  
County Florida**

**LAND USE HEARING OFFICER VARIANCE REPORT**

**APPLICATION NUMBER:** VAR 21-0410

**LUHO HEARING DATE:** May 24, 2021

**CASE REVIEWER:** Kim King

**REQUEST:** The applicant is requesting additional square footage and a setback variance for an existing monument sign. This request is for Sun Point Plaza located at 3002 E. College Ave.

**VARIANCE(S):** The subject parcel is allowed to have 1 sign on College Ave, 1 sign on Teco Rd. and 2 signs on 30<sup>th</sup> St. SE at 50 sq. ft. per side/100 sq. ft. total for each sign or they can choose to combine all of these signs into 1 sign at 100 sq. ft. per side/200 sq. ft. total per Section 7.03.00.C.2 a & b of the LDC.

A monument sign on an arterial road is allowed to have a maximum height of 30 ft. A monument sign at 4 ft. high requires a 15 ft. setback from the right-of-way line and for every 1 ft. you increase the height, you must increase the setback 1 ft. per Section 7.03.00.C.1.c of the LDC.

**Variances**

The applicant is requesting 230 sq. ft. of additional sign area for a total of 430 sq. ft. for the existing monument sign.

The applicant is requesting a setback variance for 29 ft. from the College Ave. right-of-way line placing the sign at a 12 ft. setback and a variance of 26 ft. from the Teco Rd. right-of-way line placing the sign at a 15 ft. setback.

**FINDINGS:**

None.

**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.

**APPLICATION: VAR 21-0410**  
**LUHO HEARING DATE: May 24, 2021**

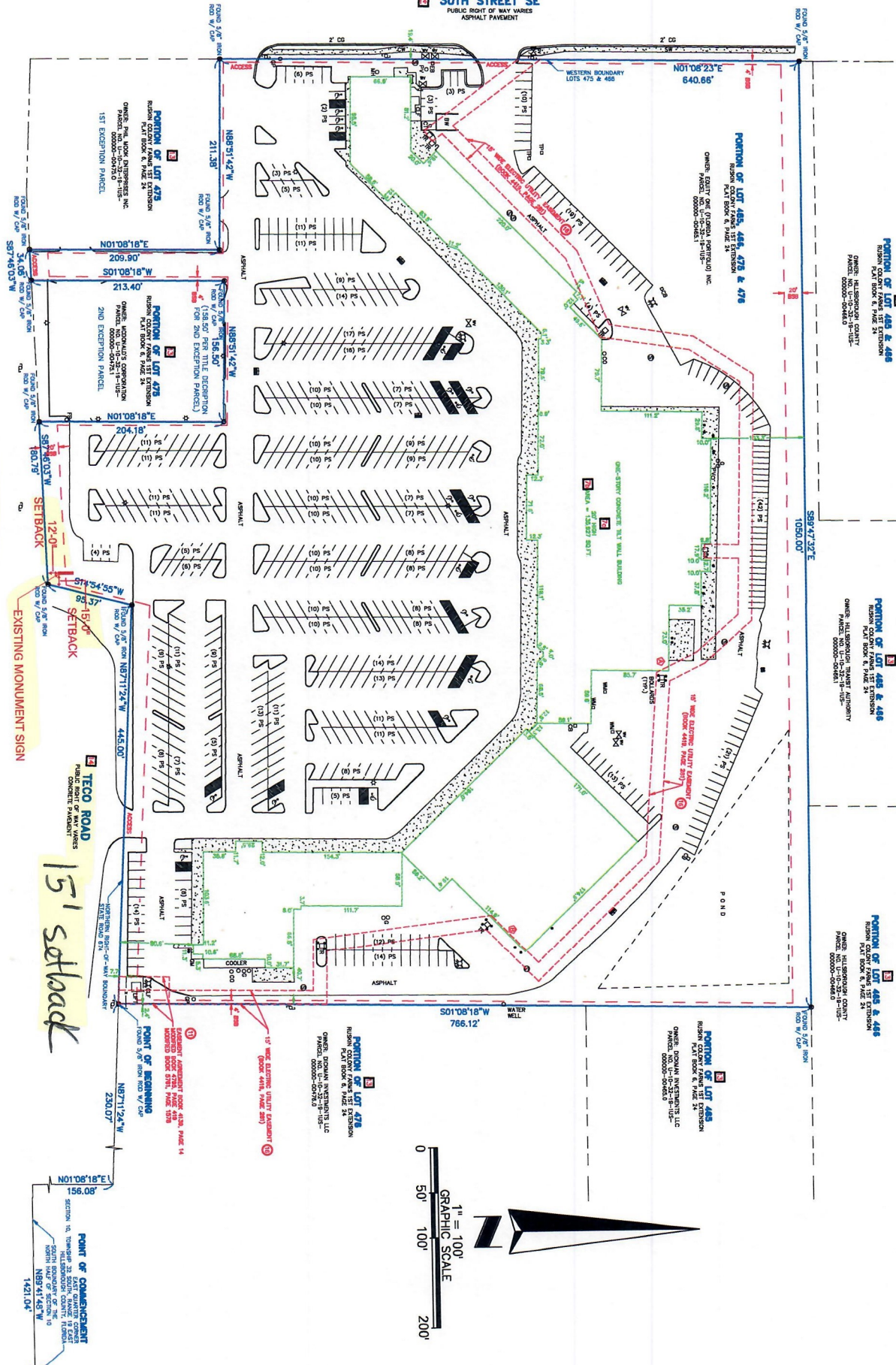
**CASE REVIEWER: Kim King**

**ADMINISTRATOR'S SIGN-OFF**



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

**30TH STREET SE**  
PUBLIC RIGHT OF WAY VARIES  
ASPHALT PAVEMENT



**EAST COLLEGE AVENUE/  
STATE ROAD 674**  
PUBLIC RIGHT OF WAY VARIES  
ASPHALT PAVEMENT

121

EXISTING MONUMENT SIGN

151' setback

**TECO ROAD**  
PUBLIC RIGHT OF WAY VARIES  
CONCRETE PAVEMENT



**ASM** AMERICAN SURVEYING & MAPPING INC.  
3191 MAJORS BLVD., SUITE 200 ORLANDO, FLORIDA 32803  
PHONE (407) 426-7778 WWW.ASMCORP.NET/CA




**6Dv1 ALTA/ACSM LAND TITLE SURVEY**  
BOUNDARY SURVEY OF  
SUN POINT  
3040 COLLEGE AVENUE  
HILLSBOROUGH COUNTY RUSKIN, FLORIDA

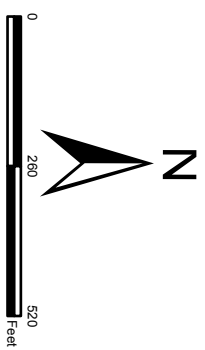
21-0410

Immediate Aerial Zoning Map

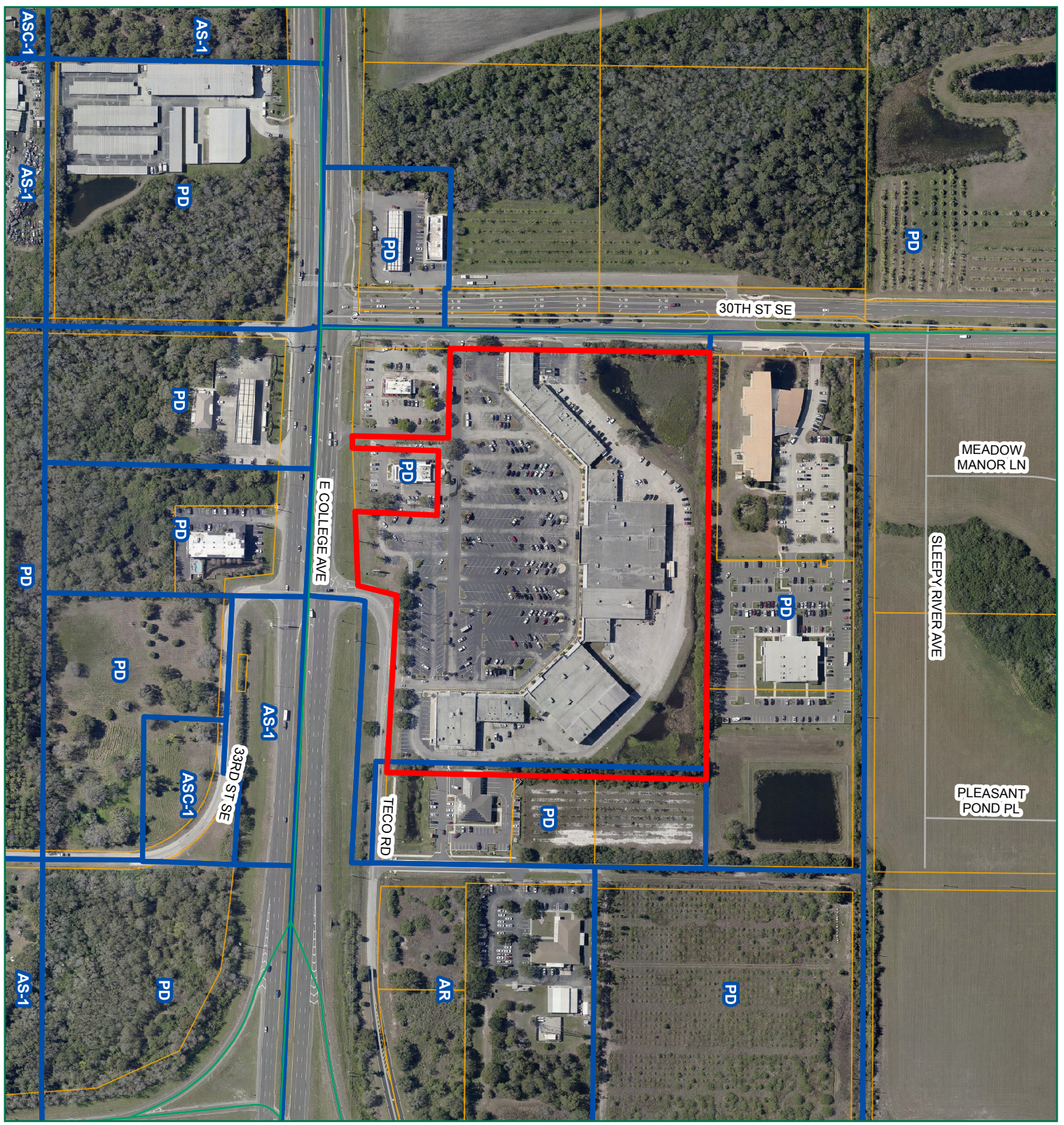
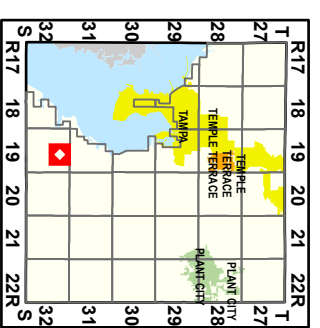
VAR 21-0410

Folio: 55014.0000

-  Application Site
-  Zoning Boundary
-  Parcels



STR: 10-32-19



NOTE: Every reasonable effort has been made to ensure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to, the accuracy, completeness, or fitness for a particular purpose.

SOURCE: This map has been prepared for the purpose of recording public information within Hillsborough County and is compiled from recorded deeds, plats, and other AVM/ABLC data.

Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map.

Date: 03/09/2021    Path: G:\ZONING\GIS\Data\Zoning\_Site.aprx

## VARIANCE REQUEST

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

I Sun Point SDC, LLC acquired the center in 2014 and given its location and tenant mix, we felt that it presented a substantial opportunity in order to enhance the center, add additional complementary use tenants for the benefit of the shoppers and overall area. At the time of acquisition, there was a total of 19% square feet of vacant space (81% occupied space) at the center and as of the end of December 2020, there are only two spaces vacant which total 13,275 sf.

In connection with our commitment to improve the condition of the shopping center, within the last two (2) years, we have invested over \$161,316 in the shopping center for improvement in the parking lot including, ADA compliance, adding connectivity route to the south side street, and over \$165,000 in tenant improvement contributions in order to attract lucrative and national tenants to the property.

In 2021, we have earmarked approximately \$210,000 for additional improvements that include the replacement of the roof, LED light installations, and \$39,000 for pylon renovation which is affected by this variance request. The objective of this application is to seek a variance from the county whereby it will allow the renovation and beautification of the sign and still allow it to retain its total square foot size (see attachment) and not reduce it to a total of 100 SF square feet which will tragically cause approximately 13 tenants to lose their signage on the pylon. Given the pandemic and other economic crisis that currently exists, all of the Tenants heavily rely on signage visibility on E. College Ave. given the number of vehicles that travel it per day. We have attached the main proposal for this pylon work.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code: Variance of 14ft. requested from SR 674 right of way and variance of 11ft from Teco Rd right of way line and Variance to the square footage code which only allows 100 sf per side/ total 200 sf  
See attached survey and sign drawing proposed.

We are requesting to keep the same sign face square footage of 136sf

## ADDITIONAL INFORMATION

1. Have you been cited by Hillsborough County Code Enforcement? No  Yes \_\_\_\_\_  
If yes, you must submit a copy of the Citation with this Application.
2. Do you have any other applications filed with Hillsborough County that are related to the subject property? No  Yes \_\_\_\_\_ If yes, please indicate the nature of the application and the case numbers assigned to the application(s): \_\_\_\_\_
3. Is this a request for a wetland setback variance? No  Yes \_\_\_\_\_  
If yes, you must complete the *Wetland Setback Memorandum* and all required information must be included with this Application Packet (Attachment A).
4. Please indicate the existing or proposed utilities for the subject property:  
Public Water  Public Wastewater  Private Well \_\_\_\_\_ Septic Tank
5. Is the variance to allow a third lot on well and/or septic or non-residential development with an intensity of three ERC's? No  Yes \_\_\_\_\_ If yes, you must submit a final determination of the "Water, Wastewater, and/or Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing (form may be obtained from 19<sup>th</sup> floor County Center).

## Variance Criteria Response #2

**Sun Point Shopping Center 3002 E. College Ave Ruskin FL**

### **Attachments A to Variance Request**

1. Variance of 14 ft. requested from the SR 674 right-of-way line and a variance of 11 ft. from the Teco Rd. right-of-way line. (The required setback is 26 ft.)
2. Variance to the square footage (code allows 100 sq. ft. per side/ 200 sq. ft. total)

*Question #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.*

*Answer #2 Below:*

The purpose of these sign regulations under the LDC is "to provide the minimum control of signs necessary to promote the health, safety, and general welfare of the citizens of Hillsborough County, Florida, by lessening hazards to pedestrians and vehicular traffic, by preserving property values, by preventing unsightly and detrimental signs that would detract from the aesthetic appeal of the county and lead to economic decline and blight" etc. It also states that "any sign which did not conform to the Hillsborough County Sign Regulations on the day before the adoption of this Ordinance, and which should have been removed or modified under prior law is an illegal nonconforming sign". The literal requirements of this code does in fact deprive us of rights commonly enjoyed by other surrounding properties. There is no intend to increase the overall size of the size, add additional names, etc. Our only intent is to repair and beautify the sign to eliminate its current "eyesore" condition and become harmonious with the aesthetic look of the shopping center. No changes proposed increases its degree of nonconformity.

### **Site Survey with Measurements Attached**

- 2 page Proposed Sign

## VARIANCE CRITERIA RESPONSE

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

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

1-The existing location of the pylon sign does not enjoy the "front line" visibility along Collage Avenue and given the physical setback location of the sign, having the tenants maintain their name/signage on such as critical to the ultimate success of their business. Other shopping center locations along College Avenue enjoy closer proximity to the roadway and therefore, the situation being discussed herein is unique and singular to our subject property. There are a substantial number of "mom and pop" local tenants that continue to struggle daily for survival and adequate signage to continue to remind the public and shoppers of their location and tenancy at the center is now more critical than ever.

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.

see attached sheet

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.

If the variance were allowed, there would not be any interference or injury of rights to others in the approximate area. The sign has been in existence since 1984 and allowing the existing 128 ft.<sup>2</sup> to remain would have no detrimental impact on any property owner or other business in the area. The existing height and overall structure will remain unchanged.

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). It is our understanding that the purpose of the LDC is to provide an overall process that meets the positive goals, objectives, etc. of future of the Hillsborough Comprehensive Plan. The variance that we are seeking serve the general intent of this purpose whereby we are simply repairing and beautifying an existing sign and in connection with such allowing the existing number of tenant names to remain unchanged. It is our position that given the overall improvements to the shopping center and to the subject pylon sign, it will be in the best interest of the citizens of Hillsborough County.

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.

Part of the request of this variance is attributed to the fact that neither the county nor the owner can locate the original permit that was granted in 1985. In no way is this variance related to any illegal act or any self-imposed hardship. As previously indicated, the sole purpose of this request is to continue to improve the shopping center for the benefit of the tenants and the general public of Hillsborough County. Such intent should not be a detriment or penalize the struggling tenants in any way.

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.

Granting this variance will result in a substantial justice to the area whereby the tenants business will hopefully increase as quickly as possible for the public benefit and for the financial success of all tenants located at the center. The failure to grant such variance would obviously result in the further financial hardship of the existing tenants which will deteriorate the value of the shopping center and the financial stabilization of all tenants at the shopping center.

Prepared by/Return to:

David Itskovich, Esq.  
Broad and Cassel  
7777 Glades Road, Suite 300  
Boca Raton, Florida 33434

Tax ID Number 55014-8000

**SPECIAL WARRANTY DEED**

For the consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations received, **EQUITY ONE (FLORIDA PORTFOLIO) INC.**, a Florida corporation ("Grantor"), whose address is 1600 N.E. Miami Gardens Drive, N. Miami Beach, Florida 33179, does hereby convey to **SUN POINT SDC, LLC**, a Florida limited liability company ("Grantee"), whose address is 777 Brickell Avenue, Suite 708, Miami, Florida 33131, all of Grantor's right, title and interest in and to the following described real property (the "Property") situated Hillsborough County, Florida, together with all improvements thereon and all of Grantor's interest in all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining thereto:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS  
REFERENCE MADE A PART HEREOF.

SUBJECT TO: the permitted exceptions set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

AND GRANTOR hereby binds itself and its successors to warrant and defend the title against all of the acts of Grantor and no other, subject to the matters set forth above.

If any term or provision of this Deed or the application thereof to any persons or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Deed or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term and provision of this Deed shall be valid and enforced to the fullest extent permitted by law.



IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed this 17 day of June, 2014.

**GRANTOR:**

**EQUITY ONE (FLORIDA PORTFOLIO) INC.,**  
a Florida corporation

Sheryl Clavist  
Witness  
Karla Romo  
Witness

[Signature]  
Name: Arthur L. Gallagher  
Title: Vice President

STATE OF FLORIDA            )  
  )  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of June, 2014, by Arthur L. Gallagher, as Vice President of **EQUITY ONE (FLORIDA PORTFOLIO) INC.**, a Florida corporation, on behalf of the corporation. He is personally known to me or ( ) produced \_\_\_\_\_ as identification.



MELANIE MEDINA  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# EE173220  
Expires 2/26/2016

NOTARY PUBLIC, State of Florida

Melanie Medina  
Print Name: Melanie Medina  
My Commission Expires: 02/26/2016  
Serial No.: EE173220

## Exhibit "A" Legal Description

A portion of Lots 466, 465, 475 and 476, Section 10, Township 32 South, Range 19 East, MAP OF 1ST EXTENSION OF RUSKIN COLONY FARMS, according to the Plat thereof recorded in Plat Book 6, Page 24, of the Public Records of Hillsborough County, Florida, more particularly described as follows:

Commence at the East quarter (E 1/4) corner of said Section 10; thence along the South boundary of the North half (N 1/2) of said Section 10, North 89°41'48" West, 1421.04 feet to a point of intersection with a Southerly extension of the East boundary of said Lots 465 and 476 of said MAP OF 1ST EXTENSION OF RUSKIN COLONY FARMS; thence along said extension of the East boundary of Lots 465 and 476, North 01°08'18" East, 156.08 feet to a point on the Northern right-of-way boundary of State Road No. 674 (D.O.T. Section No. 10075-2403); thence along said Northern right-of-way boundary, North 87°11'24" West, 230.07 feet for a Point of Beginning; thence continue North 87°11'24" West, 445.00 feet; thence South 14°54'55" West, 95.37 feet; thence South 87°46'03" West, 180.79 feet; thence North 01°08'18" East, 204.18 feet; thence North 88°51'42" West, 156.50 feet; thence South 01°08'18" West, 213.40 feet; thence South 87°46'03" West, 34.06 feet; thence North 01°08'18" East, 209.90 feet; thence North 88°51'42" West, 211.38 feet to the Western boundary of said Lots 475 and 466; thence along said Western boundary North 01°08'23" East, 640.66 feet; thence South 89°47'32" East, 1050.00 feet; thence South 01°08'18" West, 766.12 feet to the Point of Beginning.

### LESS AND EXCEPT THE FOLLOWING:

That part of Lot 475, Section 10, Township 32 South, Range 19 East, MAP OF 1ST EXTENSION OF RUSKIN COLONY FARMS, according to the Plat thereof recorded in Plat Book 6, Page 24, of the Public Records of Hillsborough County, Florida, more particularly described as follows:

Commence at the East quarter (E 1/4) corner of said Section 10; thence North 89°41'48" West, 1421.04 feet along the South boundary of the North half (N 1/2) of said Section 10; thence North 01°08'18" East, 156.08 feet to a point on the North right-of-way line of State Road No. 674 (D.O.T. Section No. 10075-2403); thence along the said North right-of-way line of State Road No. 674 the following courses and distances: North 87°11'24" West, 675.07 feet; thence South 14°54'55" West, 95.37 feet; thence South 87°46'03" West, 371.62 feet for the Point of Beginning; thence continue along said North right-of-way line of said State Road 674 the following courses and distances: South 87°46'03" West, 63.32 feet; thence North 87°11'24" West, 126.46 feet to a point of curvature; thence 21.78 feet along the arc of a curve to the left, having a radius of 7749.44 feet, and a central angle of 00°09'40" (chord = 21.76 feet, chord bearing = North 87°16'14" West) to a point on the West boundary of the aforementioned Lot 475; thence North 01°08'23" East, 209.34 feet along the West boundary of said Lot 475; thence South 88°51'42" East, 211.38 feet; thence South 01°08'18" West, 209.90 feet to the Point of Beginning.

### AND LESS AND EXCEPT THE FOLLOWING:

A portion of Section 10, Township 32 South, Range 19 East, MAP OF 1ST EXTENSION OF RUSKIN COLONY FARMS, according to the Plat thereof recorded in Plat Book 6, Page 24, of the Public Records of Hillsborough County, Florida, more particularly described as follows:

Commence at the East quarter (E 1/4) corner of said Section 10; thence along the South boundary of the North half (N 1/2) of said Section 10, North 89°41'48" West, 1421.04 feet to a point of intersection with the extension of the East boundary of Lots 465 and 476 of said MAP OF 1ST EXTENSION OF RUSKIN COLONY FARMS; thence along said extension of the East boundary of Lots 465 and 476, North 01°08'18" East, 158.08 feet to a point on the Northern right-of-way boundary of State Road 674 (D.O.T. Section No. 10075-2403, Ruskin-Wimauma Road); thence along said North right-of-way boundary the following courses; North 87°11'24" West, 675.07 feet; thence South 14°54'55" West, 95.37 feet; thence South 87°46'03" West, 180.79 feet for a Point of Beginning; thence continue along said North right-of-way boundary of said State Road 674, South 87°46'03" West, 156.77 feet; thence leaving said right-of-way boundary, North 01°08'18" East, 213.40 feet; thence South 88°51'42" East, 158.50 feet; thence South 01°08'18" West,

**Exhibit "B"**  
**Permitted Exceptions**

1. Real estate taxes and assessments for 2014 and subsequent years, which are not yet due and payable.
2. Zoning, subdivision and other regulatory laws and ordinances affecting the Property.
3. Conditions, covenants, easements, restrictions, setbacks and other matters of record affecting the Property.
4. Matters that would be disclosed by a current survey of the Property.
5. Rights of tenants in possession, as tenants only, under leases not recorded in the Public Records.



# VARIANCE APPLICATION

## IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

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

### Property Information

Address: 3002 E. College Ave City/State/Zip: Ruskin FL TWN-RN-SEC: \_\_\_\_\_  
Folio(s): 055014 -0000 Zoning: \_\_\_\_\_ Future Land Use: \_\_\_\_\_ Property Size: 132,374 SF

### Property Owner Information

Name: Sun Point SDC LLC Daytime Phone: \_\_\_\_\_  
Address: See below City/State/Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ FAX Number: \_\_\_\_\_

### Applicant Information

Name: Saglo Development Corp Daytime Phone: 305-704-3109  
Address: 290 NW 165TH ST PH 2 City/State/Zip: Miami FL 33169-6472  
Email: jorge@saglo.com FAX Number: \_\_\_\_\_

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

Name: Jorge Morell Daytime Phone: 305-704-3109  
Address: 290 NW 165 ST. PH 2 City / State/Zip: Miami, FL. 33169-6472  
Email: jorge@saglo.com FAX Number: \_\_\_\_\_

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

Signature of Applicant: [Signature]  
Type or Print Name: Jorge Morell

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

Signature of Property Owner: [Signature]  
Type or Print Name: Jorge Morell

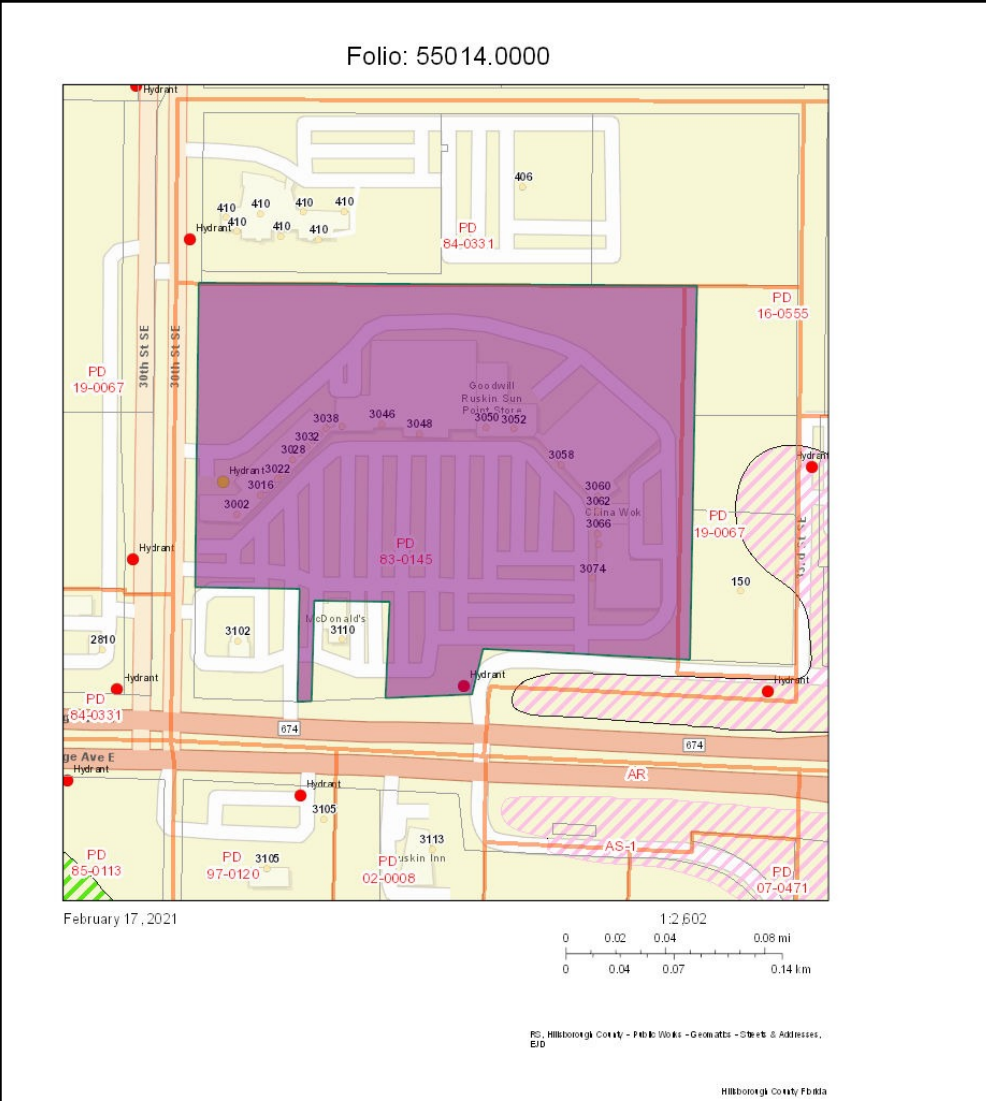
### Office Use Only

Intake Staff Signature: Ana Lizardo Intake Date: 02/17/2021  
Case Number: 21-0410 Public Hearing Date: 04/26/2021  
Receipt Number: 21-0410



# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	83-0145
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	19-0067
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0659H
FIRM Panel	12057C0659H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120660C
County Wide Planning Area	Ruskin
Community Base Planning Area	SouthShore
Community Base Planning Area	Ruskin
Planned Development	PD
Re-zoning	19-0067
Note	SEE DRI #249, 01-1160, 19-0067
Major Modifications	04-1579
Personal Appearances	06-2258,07-1532,08-1008, 07-0222,07-0538,08-0414, 12-0483,13-0204, 18-0806, 19-1221
Planned Development	PD
Re-zoning	null
Personal Appearances	92-0327
Census Data	Tract: 014122 Block: 1000
Future Landuse	P/QP
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: 55014.0000**  
**PIN: U-10-32-19-1US-000000-00465.1**  
**SUN POINT SDC LLC**  
**Mailing Address:**  
 290 NW 165TH ST PH 2  
 MIAMI, FL 33169-6472  
**Site Address:**  
 3002 E COLLEGE AVE  
 RUSKIN, FL 33570  
**SEC-TWN-RNG: 10-32-19**  
**Acreage: 18.30310059**  
**Market Value: \$8,503,800.00**  
**Landuse Code: 1620 STORE/SHP CENTE**

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2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

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