#### **Variance Application:**

VAR 24-0605

**LUHO Hearing Date:** 

May 20, 2024

**Case Reviewer:** 

Carolanne Peddle



**Development Services Department** 

Applicant: Justin Marx Zoning: CG-R #24-0356

Location: Folio: 13860.0000

#### Request Summary:

The applicant requests a variance to eliminate the buffering and screening requirement as a result of the approved rezoning petition RZ 24-0356 for a rezoning to CG (R).

Requested Variances:					
LDC	LDC Requirement:	Variance:	Result:		
Section:					
6.06.06 A	If the land next to the proposed development is vacant, the buffer requirement shall be determined based on the existing zoning on the adjacent vacant parcel as shown in the tables below.  Per the corresponding table the subject parcel is zoned CG-R (Group 5), and the eastern adjacent parcel is zoned RSC-6 (Group 1) resulting in the requirement of a 20' Type B buffering and screening.	Eliminate the required 20-foot buffer with Type B screening along the eastern property line.	No buffering or screening along the eastern property line.		

Findings:

Rezoning petition, RZ 24-0356, for the subject site to rezone from RSC-6 to CG (R) was approved by the BOCC May 7, 2024, with the following restriction:

1. The eastern 50 feet of folio 13860.0000 (Lot 7, Block 15 of Plat Book 1, Page 128-East North Tampa Plat) shall be restricted to only parking and utility uses.

**Zoning Administrator Sign Off:** 

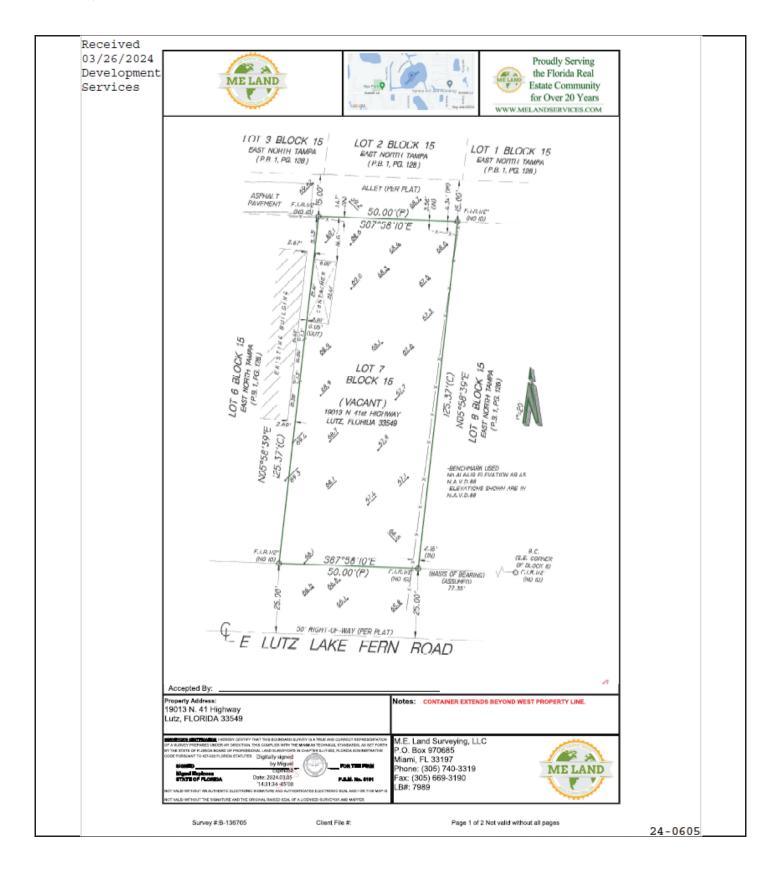
Colleen Marshall Tue May 7 2024 10:54:55

#### **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.

LUHO HEARING DATE: May 20, 2024 Case Reviewer: Carolanne Peddle

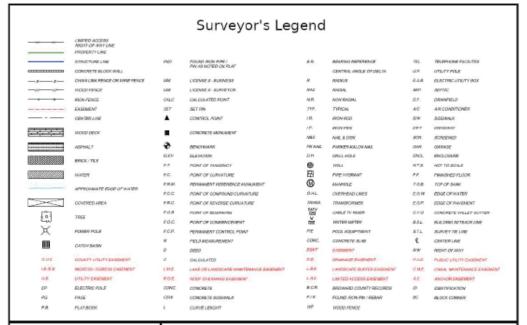
#### **SURVEY/SITE PLAN**



**APPLICATION NUMBER:** VAR 24-0605

LUHO HEARING DATE: May 20, 2024 Case Reviewer: Carolanne Peddle

#### SURVEY/SITE PLAN (Page 2)



#### Property Address:

19013 N. 41 Highway Lutz, FLORIDA 33549

#### Flood Information:

Community Number: 120112 Panel Number: 12057C0064

Suffix: H

Date of Firm Index: 08/28/2008

Flood Zone: X

Base Flood Elevation:

Date of Field Work: 02/12/2024

Date of Completion: 03/05/2024

#### General Notes:

- October at Notes:

  1, The Legal Description used to perform this survey was supplied by others. This survey does not determine or is not to imply ownership 2,1 This survey only above shows ground improvements. Underground utilities, footings, or enconschiments are not located on this survey map 3.1 The minimum neisted edistance occurrey for this fige of Survey is 1 foot in 10,000 flows. The accuracy obtained by reconstruction and obtained of closed geometric figures was found to exceed this requirement. Well identified features as depicted on the Survey Map were measure to an estimated horizontal positional accuracy of 100 feet.

  4,1 (If there is a supplicitance, and, or chain field on this survey, the location of such items was shown to us by others and the information was not

- 5.) Examination of the solution of other with have to be made to determine accorded neutrinosis, it any property. This shade shows herein were not abstracted for asserted or other recorded excursionance and shown on the plat.

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  6.) Besidens if shown are based upon NOVD 1929 unless otherwise noted.

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  6.) This survey is sociative for the use of the parties to when it is certified. The certifications do not extend only unremote parties.

#### Legal Description:

Lot 7, of Block 15, of EAST NORTH TAMPA, according to the plat thereof, as recorded in Plat Book 1, Page 128, of the public records of Hillsborough County, FLORIDA

#### Printing Instructions:

While viewing the survey in any PDF Reader, select the File Drop-down and select "Print". Select a color printer, if available; or at least one with 8.5" x 14" (legal) paper.

Select ALL for Print Range, and the # of copies you would like to print out.

Under the "Page Scaling" please make sure you have selected

Do not check the "Auto-rotate and Center" box.

Check the "Choose Paper size by PDF" checkbox, then click OK to print.

#### Certified To:

Justin Marx and Laren Marx

Arrow Title, LLC

its successors and/or assigns as their interest may appear.

#### Please copy below for policy preparation purposes only:

This policy does not insure against loss or damage by reason of the following exceptions: Any rights, easements, interests, or claims which may exist by reason of, or reflected by, the following facts shown on the survey prepared by Miguel Espinosa , for M.E. Land Surveying, LLC., dated 03/05 /2024 bearing Job # B-136705

a. CONTAINER EXTENDS BEYOND WEST PROPERTY LINE.



#### M.E. Land Surveying, LLC

P.O. Box 970685 Miami, FL 33197 Phone: (305) 740-3319 Fax: (305) 669-3190 LB#: 7989







## **Additional / Revised Information Sheet**

	Office Use Only	
Application Number: 24-0605	Received Date:	Received By:

The following form is required when submitted changes for any application that was previously submitted. A cover letter

must be submitted providing a summary of the project size the cover letter must list any new fincluded indicating the additional/revised doc	olio number(s) added. Addition	nally, the second page of this form must be
Application Number: 24-0605	Just Applicant's Name:	in Marx
Carolanne Pedd Reviewing Planner's Name:	le 	5/6/2024 Date:
Application Type:  Planned Development (PD)  Minor Mod	ification/Personal Appearance (	(PRS) Standard Rezoning (RZ)
☑ Variance (VAR) ☐ Developme	nt of Regional Impact (DRI)	☐ Major Modification (MM)
Special Use (SU) Conditional	Use (CU)	Other
Important Project Size Change Informate Changes to project size may result in a new hear Will this revision add land to the project? If "Yes" is checked on the above please ensure you Will this revision remove land from the project? If "Yes" is checked on the above please ensure you be abov	ing date as all reviews will be sure.  Yes No but include all items marked with Yes No but include all items marked with	* on the last page.  * on the last page.
_	ngIntake-DSD@hcflgov.net	ne next page in pui form to.
Files must be in pdf format and minimum retitled according to its contents. All items should included on the subject line. Maximum attachments	ld be submitted in one email w	·
For additional help and submittal questions	, please call (813) 277-1633 or	email ZoningIntake-DSD@hcflgov.net.
I certify that changes described above are the control will require an additional submission and certification	, .	ade to the submission. Any further changes 5/6/2024
Signature	<u> </u>	



# Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to <u>Chapter 119 Florida Statutes</u>, all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers.

While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications. If your application requires a public hearing and contains sensitive/protected information, please contact <u>Hillsborough County Development Services</u> to determine what information will need to be disclosed as part of the public hearing process.

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

Are you seel to Chapter 1		n from public disclos	ure of selected	information subm	itted with yo	ur application pursuant
I hereby con		erial submitted with a e and/or protected in		24-0605		
	Type of informat	ion included and loca	ation			
×	Does not include	sensitive and/or pro	tected informa	tion.		
Please note: Se	ensitive/protected info	rmation will not be accep	oted/requested un	ess it is required for the	e processing of	the application.
		•		• • •		processed with the data ion in the submittal will
become pub	lic information if r	not required by law t	o be protected.			
Signature: _		(Must be signed by	/ applicant or aut	horized representati	ve)	
Intake Staff S	Signature:				Date: _	5/6/2024



# Additional / Revised Information Sheet

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

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

<sup>\*</sup>Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

<sup>\*</sup>Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.

24-0605

19013 US 41

#### Our project:

My wife and I as well as our two young children are residents of Lutz. We love the country feel and we feel that the area is missing a place that fits that comfortable warm country feel. We want to create a Country Store and cafe that will have food items such as homemade soups, fresh salads with local produce, sandwiches, coffee, soft serve ice cream, old time candy in barrels, farm fresh eggs from nearby farms (with pictures of the hens and their farm) and eventually some simple breakfast and bakery items. In addition to the food items, we will have local handmade items such as crochet, wood working and jewelry, all built by locals as well as other items you might find in a country store (candles, children's gifts, Lutz themed items, holiday themed items). Our goal is to also have all retail items made and manufactured in the USA.

With these items in mind, the interior feel will be warm and cozy, with warm lighting, wood shelving and floors comfortable seating, and a nod to the history of Lutz with pictures and antiques throughout the store.

We chose this location because of the buildings "feel" and history in the 60's as a Phillips 66 gas station and proximity to "downtown Lutz", the historic train station, and the public library. Downtown Lutz is desperately lacking any real reason for anyone local to visit. Another one of our goals by creating a warm inviting location will encourage locals to get more involved in the downtown area and revitalize this historic small town and its businesses.

#### Our need for the Variance to the buffer and screening requirements:

Our property is 50x127 - The 20 foot buffer would essentially cut our property in half making it 127x30. The neighboring commercial properties have no buffer or screening (see attached map showing the referenced properties with no buffer)

Without the variance we will not be able to open our business because we will be unable to use the area for the necessary parking. Most importantly, the residential property that this buffer and screening would be necessary for, supports our project and the removal of the buffer requirement (Letter from owners within this PDF) . We will be working with them to plant landscaping and build a fence that will far exceed what was previously there and will compliment the neighborhood.



	Hillsborough County Florida
EST. 1834	Development Services

Application No:	

### **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?

The residential property we border is a vacant lot. The commercial property to the North of us borders the residential property with a home and no buffer at all. We would be using ours for parking and would plant trees and build a new fence.

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.

Having to be limited by the 20' buffer would require our small property be held to a standard that the neighboring properties are not. The commercial lot that borders ours and the same residential property, has no buffer.

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.

As the area will only be used to park cars, it will not interfere at all with the neighboring residential property - in addition, we have the full support of the owners of the property and are working with them to construct suitable landscaping and fencing that will be much more pleasant and higher quality than what is currently there.

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 parking area will be ascetically appealing with trees and landscaping. Our business is the model for the vision of the LDC and Comprehensive plan - A local, family run business that is keeping the current historic building and repurposing it for a local business to benefit the community in both function and appearance.

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.

Nothing we have done is a result of needing this variance - We just need to be able to use the small property we purchased to allow our customers to park.

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.

Without the Variance our business will likely not open, and the community that wants and needs a community family run business like ours will suffer. We are trying our best to fill a need for this community with a family run business that is not another strip mall or big box store. We're a tiny property as is. Cutting it nearly in half with this 20' buffer will ruin our business.



Instrument #: 2024060821, Pg 1 of 1, 2/12/2024 10:35:54 AM DOC TAX PD(F.S. 201.02) \$0.00, INT. TAX PD (F.S. 199) \$0.00, DOC TAX PD (F.S. 201.08) \$0.00, Deputy Clerk: CCOOLEY Cindy Stuart, Clerk of the Circuit Court Hillsborough County

#### Folio Identification No: 013859-0000

This Instrument Prepared By and Return to: Justin Marx Lauren Marx 19115 Crooked Lane Lutz, FL 33548

**OUITCLAIM DEED** 

This Quitclaim Deed, made this whose address day of February 2024, between Justin Marx and Lauren Marx, husband and wife, whose address is 19115 Crooked Lane Lutz, FL 33548, Grantors, and LUTZ LJAM LLC, a Florida Limited Liability Company, whose post office address is 19015 U.S. 41, Lutz, FL 33549, Grantee.

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, that the Grantors, for and in consideration of the sum of --- TEN & NO/100(\$10.00)--- DOLLARS, and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained and quitclaimed to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of Hillsborough, State of Florida, to-wit:

Lots 5 and 6, Block 15, EAST NORTH TAMPA, a subdivision according to the plat thereof recorded in Plat Book 1, Page 128, of the Public Records of Hillsborough County, Florida; LESS that portion taken for road right of way in Order of Taking recorded in Official Records Book 7579, Page 303, of the Public Records of Hillsborough County, Florida.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantors, either in law or equity, for the use, benefit and profit of the said Grantee forever.

IN WITNESS WHEREOF, the Grantor has hereunto set his/her hand and seal the day and year first above written.

sealed and delivered in our presence: JESTIN MARX Witness #1 Signature NIKKYEATAL Witness #1 Printed Name doLakes Blvd, LutzfZ 33549

STATE OF FLORIDA QUEO

day of February, 2024, by JUSTIN MARX and The foregoing instrument was acknowledged before me by means of physical presence this LAUREN MARX, who are personally known to me or who have produced

Notary Signature

Printed Notary Signature

as identification.

My Commission Expires:





Received
03/26/2024
Development
Services

Hillsborough
County Florida
Development Services

# Property/Applicant/Owner Information Form

Application No: 24-0605  Hearing(s) and type: Date: 05/20/2024  Date: Type:	Intake Date: 03/26/2024  Receipt Number: 352499  Intake Staff Signature: Lare Odell
19013 N US HWY 41 Address:	LUTZ FL 33549
Address:12-27-18	
TWN-RN-SEC:Folio(s):Zoning:	Future Land Use:Property Size:
Property Owner Lutz LJAM LLC	305-607-0235
Name:	Daytime Phone LUTZ, FL 33549
Address:Cirlutzcountrystore@gmail.com	
Iutzcountrystore@gmail.com Email:	
Applicant In Justin Marx Name: 19115 Crooked LN	nformation 305-607-0235Daytime Phone Lutz FL 33548
Address:Ci	
lutzcountrystore@gmail.com Email:	Fax Number
Applicant's Representativ	<b>e</b> (if different than above)
Name:	Daytime Phone
Address:Cir	ty/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.  Signature of the Applicant  Justin Marx  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)  Lauren Marx and Justin Marx  Type or print name



### Submittal Requirements for Applications Requiring Public Hearings

	Official Use Only				
	Application No:		Intake Date:		
	Hearing(s) and type: Date:	Type:	Receipt Number:		
	Date:	Type:	Intake Staff Signature:		
Αp	plicant/Representative: Justin Marx		Phone: <u>305-607-0235</u>		
Re	Representative's Email: lutzcountrystore@gmail.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 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

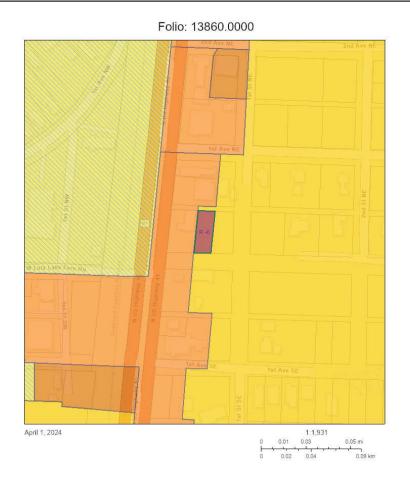
Inc	cluded	N/A	Requirements
1	X		Property/Applicant/Owner Information Form
2		X	Affidavit(s) to Authorize Agent (if applicable) NOTE: All property owners must sign either the Application form or the Affidavit to Authorize Agent. If property is owned by a corporation, submit the Sunbiz information indicating that you are authorized to sign the application and/or affidavit.
3		X	<u>Sunbiz Form</u> (if applicable). This can be obtained at <u>Sunbiz.org</u> .
4	$\times$		<u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
5	X		Identification of Sensitive/Protected Information and Acknowledgement of Public Records
6	X		Copy of Current Recorded Deed(s)
7	X		Close Proximity Property Owners List
8		X	Legal Description for the subject site
9		X	Copy of Code Enforcement/Building Code Violation(s) (if applicable)
10		X	Fastrack Approval (if applicable)

Additional application-specific requirements are listed in Part B.



#### PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
FLX	f
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0064H
FIRM Panel	12057C0064H
Suffix	Н
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	Х
Pre 2008 Firm Panel	1201120065D
County Wide Planning Area	Lutz
Community Base Planning Area	Lutz
Census Data	Tract: 011005 Block: 2001
Future Landuse	R-6
Mobility Assessment District	Rural
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



Hillsborough County Florida

Folio: 13860.0000 PIN: U-12-27-18-0JG-000015-00007.0 Lutz Ljam Llc Mailing Address: 19015 Us Hwy 41 null Lutz, Fl 33549-

Site Address: 19013 N 41 Hwy null, Fl null

SEC-TWN-RNG: 12-27-18 Acreage: 0.14283399 Market Value: \$39,000.00 Landuse Code: 0000 Vacant Resident

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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.

