

Variance Application: VAR 24-1229
LUHO Hearing Date: October 21, 2024
Case Reviewer: Chris Grandlienard, AICP



**Hillsborough
 County Florida**

Development Services Department

Applicant: Fourth Property LLC c/o Susan Thompson **Zoning:** CG
Address/Location: 13647 N Florida Avenue, Tampa; Folio:18193.0000

Request Summary:


The applicant is requesting setback variances to accommodate renovations and repurposing of two existing structures built in 1951 and 1953 to be utilized to expand the existing car dealership, Tampa Hybrids, located at 13627 N Florida Avenue, folio 18194.000, directly to the south of the subject property.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.01.01	A minimum 30-foot front yard setback is required in the CG zoning district.	30 feet	0-foot front yard setback (westernmost building)
6.01.01	A minimum 30-foot front yard setback is required in the CG district.	12.6 feet	17.4-foot front yard setback (easternmost building)

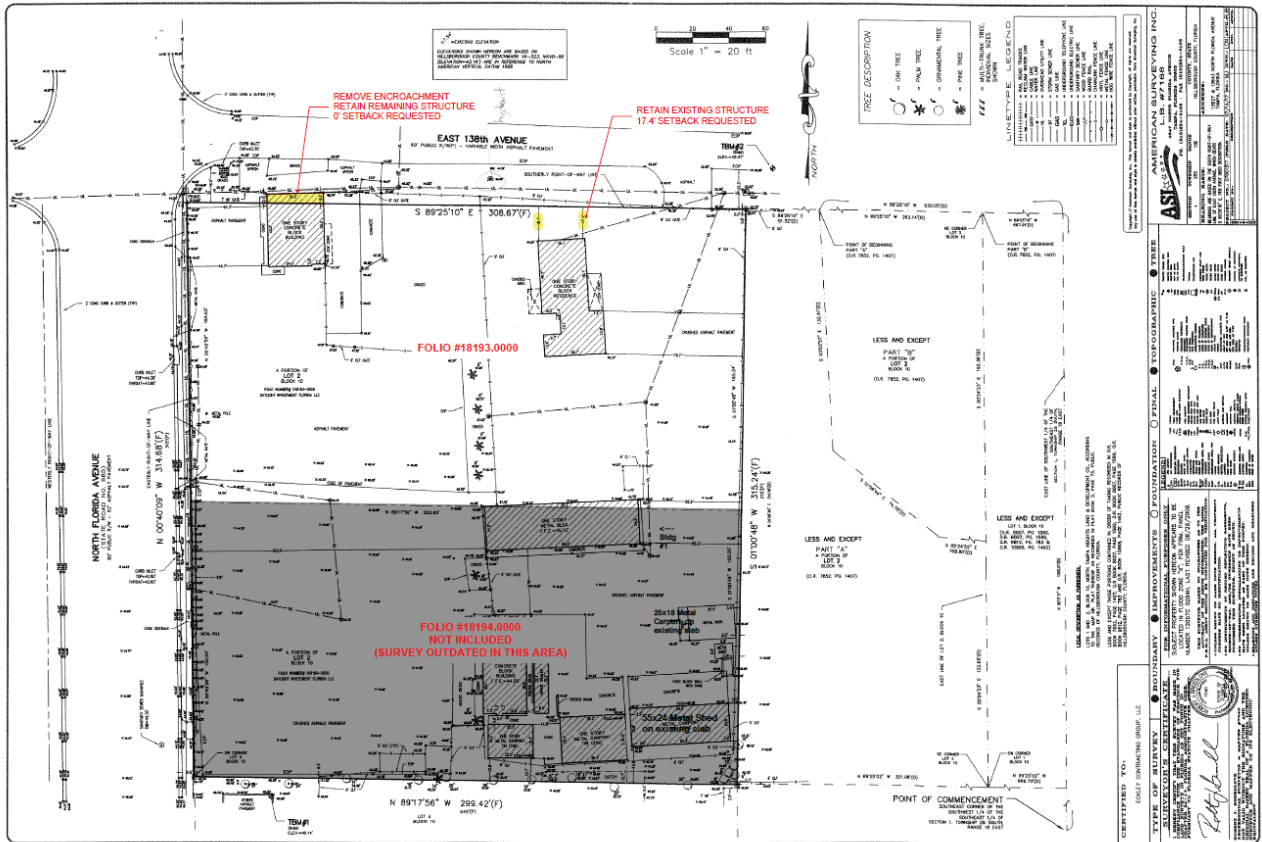
Findings: The subject property was rezoned to CG, Commercial General, in July 2024 under petition RZ-STD 24-0469.

Zoning Administrator Sign Off:


Colleen Marshall
 Mon Oct 14 2024 11:14:20

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



24-1229



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.

(A) Sec 6.01.01 - Request to reduce existing westernmost building setback on E 138th Ave from 30 feet to 0 feet.

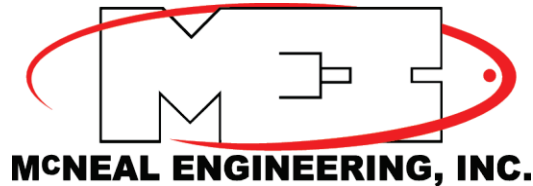
(B) Sec 6.01.01 - Request to reduce existing easternmost building setback on E 138th Ave from 30 feet to 17.4 feet.

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

Sec 6.01.01 - Setbacks

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.
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 Re-claimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing



Hillsborough County
Development Services
601 E Kennedy Blvd 20th Floor
Tampa, FL 33602

Re: **TAMPA HYBRIDS - PHASE III**
13647 N Florida Ave, Tampa
Hillsborough County
Folio #18193.0000

Attn: Zoning Department

MEI File #24-071
August 23, 2024

VARIANCE REQUEST

To Whom It May Concern:

We are submitting the Variance Application for the above referenced project. The following items are being electronically submitted for your review and records:

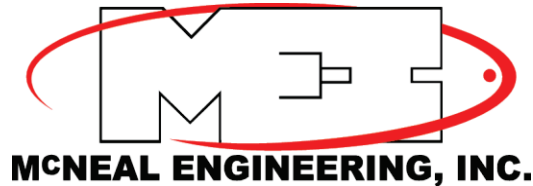
- **Variance Application Package,**
- **Variance Critical Response Narrative,**
- **Project Narrative,**
- **Survey,**
- **Close Proximity Property Owners List & Map (2),**
- **Legal Description,**
- **Deed,**
- **Sunbiz,** and
- **Payment** to be made online.

We trust that the attached documentation will be found sufficient and this request will be on the October 21, 2024 LUHO Agenda. Thank you for your assistance.

Sincerely,

Christopher S. McNeal, PE
MCNEAL ENGINEERING, INC.

c: Fourth Property LLC c/o Susan Thompson *via* email



Hillsborough County
Development Services
601 E Kennedy Blvd 20th Floor
Tampa, FL 33602

Re: **TAMPA HYBRIDS - PHASE III**
13647 N Florida Ave, Tampa
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Folio #18193.0000

Attn: Zoning Department

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PROJECT NARRATIVE

The property is located at 13647 N Florida Ave in Tampa (i.e. Folio #18193.0000). The site is zoned CG and is designated as OC-20 on the Comprehensive Plan. The site is located within the urban service area, and utilities are available from the City of Tampa.

This parcel – along with Folio #18194.0000 the adjacent/adjoining property - was purchased by Fourth Property LLC on December 20, 2019. Since the purchase and subsequent site improvements, a dealership, Tampa Hybrids, has been functioning on Folio #18194.0000. Due to the dealership's success, it needs more space. It has become apparent that the existing structures on Folio #18193.0000 – if renovated – could be repurposed and used to support the dealership's need for expansion.

This westernmost building has been functioning as a CG use for more than 50 years (constructed 1953) and is encroaching into the County Right-of-Way (i.e. E 138th Avenue). The existing easternmost structure was originally used as a residence (constructed 1951); however, it does not have proper setback from the Right-of-Way (i.e. E 138th Avenue).

To properly renovate, repurpose, and reuse these existing structures, the existing encroachment setback(s) need to be addressed.

To that end, the applicant is requesting a variance from the required front yard setbacks for both structures. The existing westernmost building front yard setback to be 0 feet (< 30 feet required). The existing easternmost building to be 17.4 feet (< 30 feet required).

The applicant understands that approval of this variance would require the demo of a portion of the existing westernmost building.

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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?

See attached.

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.

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.

See attached.

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*).

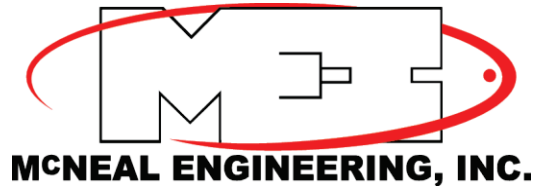
See attached.

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.

See attached.

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.

See attached.



Hillsborough County
Development Services
601 E Kennedy Blvd 20th Floor
Tampa, FL 33602

Re: **TAMPA HYBRIDS - PHASE III**
13647 N Florida Ave, Tampa
Hillsborough County
Folio #18193.0000

MEI File #24-071
August 23, 2024

VARIANCE CRITERIA RESPONSE

Please accept the following responses for your consideration during review of the variance request(s).

- (A) Sec 6.01.01 - Request to reduce existing westernmost building setback on E 138th Ave from 30 feet to 0 feet.
- (B) Sec 6.01.01 - Request to reduce existing easternmost building setback on E 138th Ave from 30 feet to 17.4 feet.

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?*

Response: Based on research of the Property Appraiser's records, the existing westernmost and easternmost buildings were originally built in 1953 and 1951. Both buildings encroach into the current LDC required setbacks and the westernmost building encroaches into the County Right-of-Way. There is no evidence that either building has been added onto since their original construction.

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.*

Response: If the literal setback requirement of the LDC was imposed on the existing buildings, the westernmost building would be unusable and have to be completely removed and the easternmost building would also experience a considerable loss of building resulting in a significant loss of value.

3. *Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by the allowance of the variance.*

Response: The parcel is a corner lot (Florida Avenue & E 138th Avenue). Should the variance be approved, the setbacks are in relation to the E 138th Avenue Rights-of-Way (a low volume roadway) and would not interfere or injure adjacent privately owned properties.

TAMPA HYBRIDS - PHASE III

MEI File #24-071

August 23, 2024

Page 2 of 2

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).*

Response: This variance request will allow the existing use of the property to continue by providing reasonable use of the land in a manner that is consistent with the historical property use and as such will not impose nor interfere with others.

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.*

Response: All indications are that this site was originally constructed (not meeting the current LDC setback requirements), prior to implementation of the current LDC requirements. Additionally, the subject structures were constructed in the 1950's whereas the current Owner purchased the property December 20, 2019. As such, this is not a self-imposed hardship.

6. *Explain how allowing the variances 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 failure to grant variance.*

Response: For operational efficiencies, customer convenience, and being a good steward of an efficient use of the parcel and its existing improvements, the applicant desires to properly renovate, repurpose, and reuse the existing infrastructure. As such, granting the requested variance(s) will allow the applicant the ability to expand efficiently, effectively, and with minimal use of valuable resources. Dismissal of the request will severely restrict the financial ability for necessary dealership expansion and require needless removal of existing buildings that have been in existence for decades.

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Prepared by and return to:
Anthony W Surber, Esq.

AWS Title Services, LLC
5326 Van Dyke Road
Lutz, FL 33558

File Number: 19-495

\$1,285,000.00

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 20th day of December, 2019 between Daylight Investment Florida, LLC, a South Dakota limited liability company whose post office address is 2415 N. Bakker Landing Ave., Tea, SD 57064, grantor, and Fourth Property LLC, a Florida limited liability company whose post office address is P.O. BOX 1680, Lutz, FL 33548, grantee:

(Whenever 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, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Hillsborough County, Florida to-wit:

NORTH TAMPA HEIGHTS S 150 FT OF LOT 2 BLOCK 10 LESS THAT PT LYING WITH IN THE FOLLOWING: TRACT BEG AT NE COR OF LOT 2 RUN S 00 DEG 24 MIN 23 SEC E 315.01 FT N 89 DEG 25 MIN 02 SEC W 321.99 FT N 01 DEG 08 MIN 46 SEC E 314.96 FT & S 89 DEG 25 MIN 10 SEC E 313.46 FT TO POB, ALL LYING AND BEING SITUATE IN HILLSBOROUGH COUNTY, FLORIDA.

and

NORTH TAMPA HEIGHTS LOT 2 LESS S 150 FT BLOCK 10 & LESS THAT PART LYING WITHIN THE FOLLOWING: TRACT BEG AT NE COR OF LOT 2 RUN S 00 DEG 24 MIN 23 SEC E 315.01 FT N 89 DEG 25 MIN 02 SEC W 321.99 FT N 01 DEG 08 MIN 46 SEC E 314.96 FT & S 89 DEG 25 MIN 10 SEC E 313.46 FT TO POB, ALL LYING AND BEING SITUATE IN HILLSBOROUGH COUNTY, FLORIDA.

Parcel Identification Number:
018193-0000 & 0181940000

Subject to easements, reservations and restrictions, if any, governmental regulations and taxes for the year 2019 and subsequent years.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2019.

DoubleTime®

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness Name: NICK KORTAN

[Signature]
Witness Name: Korena C Dubbe

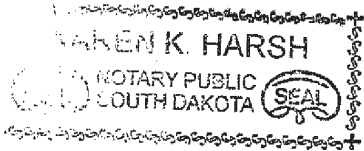
Daylight Investment Florida, LLC

By: [Signature]
Bruce A. Nerison, Managing Member

State of South Dakota
County of Minnehaha

The foregoing instrument was acknowledged before me this 20th day of December, 2019 by Bruce A. Nerison, Managing Member of Daylight Investment Florida, LLC, on behalf of the limited liability company. He is personally known to me or has produced a driver's license as identification.

[Notary Seal]



[Signature]
Notary Public

Printed Name: Karen K Harsh

My Commission Expires: 12-17-2025



Property/Applicant/Owner Information Form

Official Use Only
Application No: VAR 24-1229
Hearing(s) and type: Date: 10/21/2024
Intake Date: 08/26/2024
Type: LUHO
Receipt Number: 401064
Intake Staff Signature: Keshia Rivas

Property Information

Address: 13647 N Florida Ave City/State/Zip: Tampa, FL 33613
TWN-RN-SEC: 28-18-01 Folio(s): 18193.0000 Zoning: CG Future Land Use: OC-20 Property Size: 1.1 acre

Property Owner Information

Name: Fourth Property LLC c/o Susan Thompson Daytime Phone (813) 997-7392
Address: 13627 N Florida Ave City/State/Zip: Tampa, FL 33613
Email: susantampahybrids@gmail.com Fax Number N/A

Applicant Information

Name: Same as above Daytime Phone
Address: City/State/Zip:
Email: Fax Number

Applicant's Representative (if different than above)

Name: McNeal Engineering Inc c/o Christopher S. McNeal Daytime Phone (813) 968-1081
Address: 15957 N Florida Avenue City/State/Zip: Lutz, FL 33549
Email: permitting@mcnealengineering.com Fax Number (813) 961-5839

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.

Christopher S. McNeal Digitally signed by Christopher S. McNeal
DN: cn=Christopher S. McNeal, o=McNeal Engineering, Inc, ou, email=cmcneal@mcnealengineering.com, c=US
Date: 2024.08.23 16:19:24 -04'00'

Signature of the Applicant

Christopher S. McNeal

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. See next page

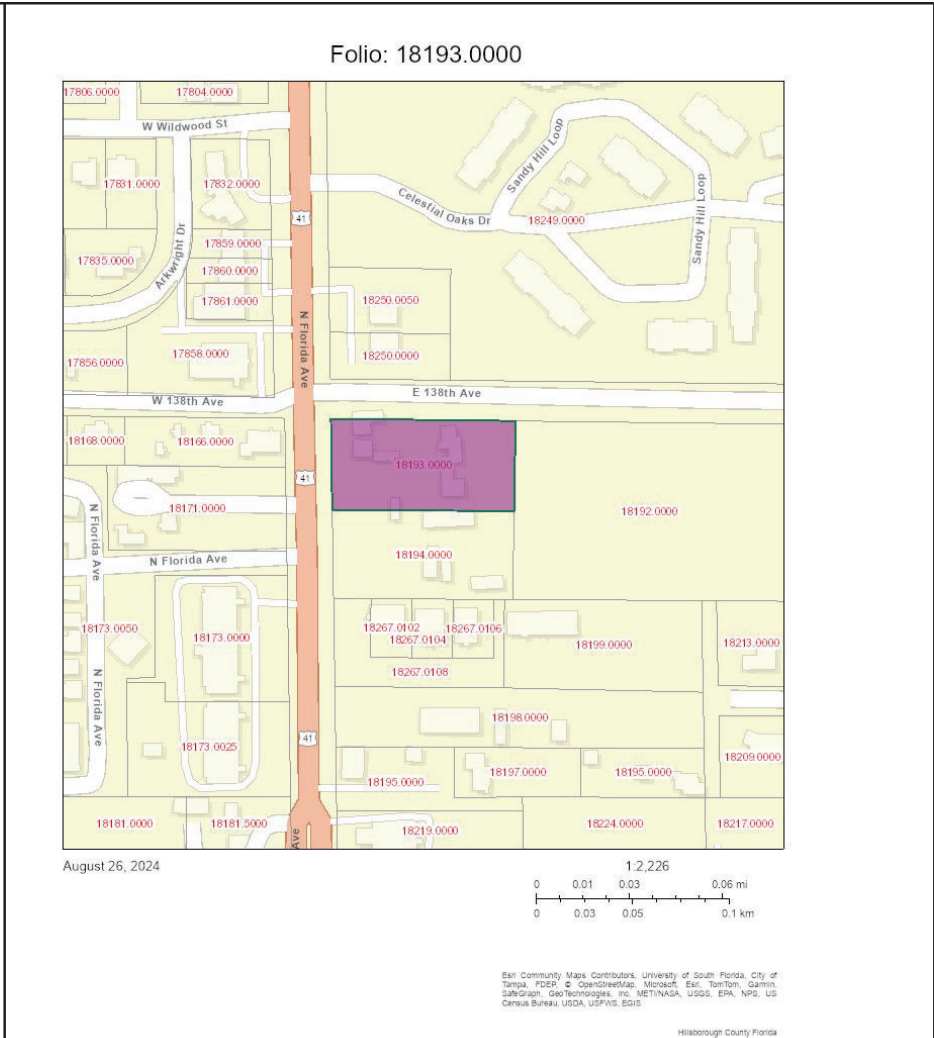
Signature of the Owner(s) - (All parties on the deed must sign)

Type or print name



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Commercial/Office/Industr
Zoning	CG
Description	Commercial - General
Overlay	null
RZ	24-0469
Restr	null
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0204H
FIRM Panel	12057C0204H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	AE
Pre 2008 Flood Zone	AE FW
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120204D
County Wide Planning Area	Greater Carrollwood Northdale
Community Base Planning Area	Greater Carrollwood Northdale
Census Data	Tract: 011204 Block: 3005
Future Landuse	OC-20
Future Landuse	R-12
Urban Service Area	TSA
Waste Water Interlocal	City of Tampa Waste Water
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



Folio: 18193.0000
PIN: U-01-28-18-0TD-000010-00002.0
Fourth Property Llc
Mailing Address:
 13627 N Florida Ave
 null
 Tampa, Fl 33613-3216
Site Address:
 13647 N Florida Ave
 Tampa, Fl 33613-
SEC-TWN-RNG: 01-28-18
Acreage: 1.10263002
Market Value: \$864,650.00
Landuse Code: 1227 Store/shp Cente

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