



# Hillsborough County Florida

## LAND USE HEARING OFFICER VARIANCE REPORT

<b>APPLICATION NUMBER:</b> VAR 23-0454	
<b>LUHO HEARING DATE:</b> July 31, 2023	<b>CASE REVIEWER:</b> Sam Ball

**REQUEST:** The applicant is requesting a sign variance to accommodate a residential entry sign.

### VARIANCE:

Per LDC Section 7.03.00.C.1.b, concerning minimum ground sign setback from neighboring property, all ground signs shall be setback a minimum of ten feet from any side yard property line. The applicant requests a 7.5-foot decrease to the minimum setback required to allow a 2.5 setback from the adjoining property located west of the entrance to the Aspen Heights multi-family development.

### FINDINGS:

The minimum setback from Cove Bend Drive for an 8.0-foot tall sign is 19 feet.

### DISCLAIMER:

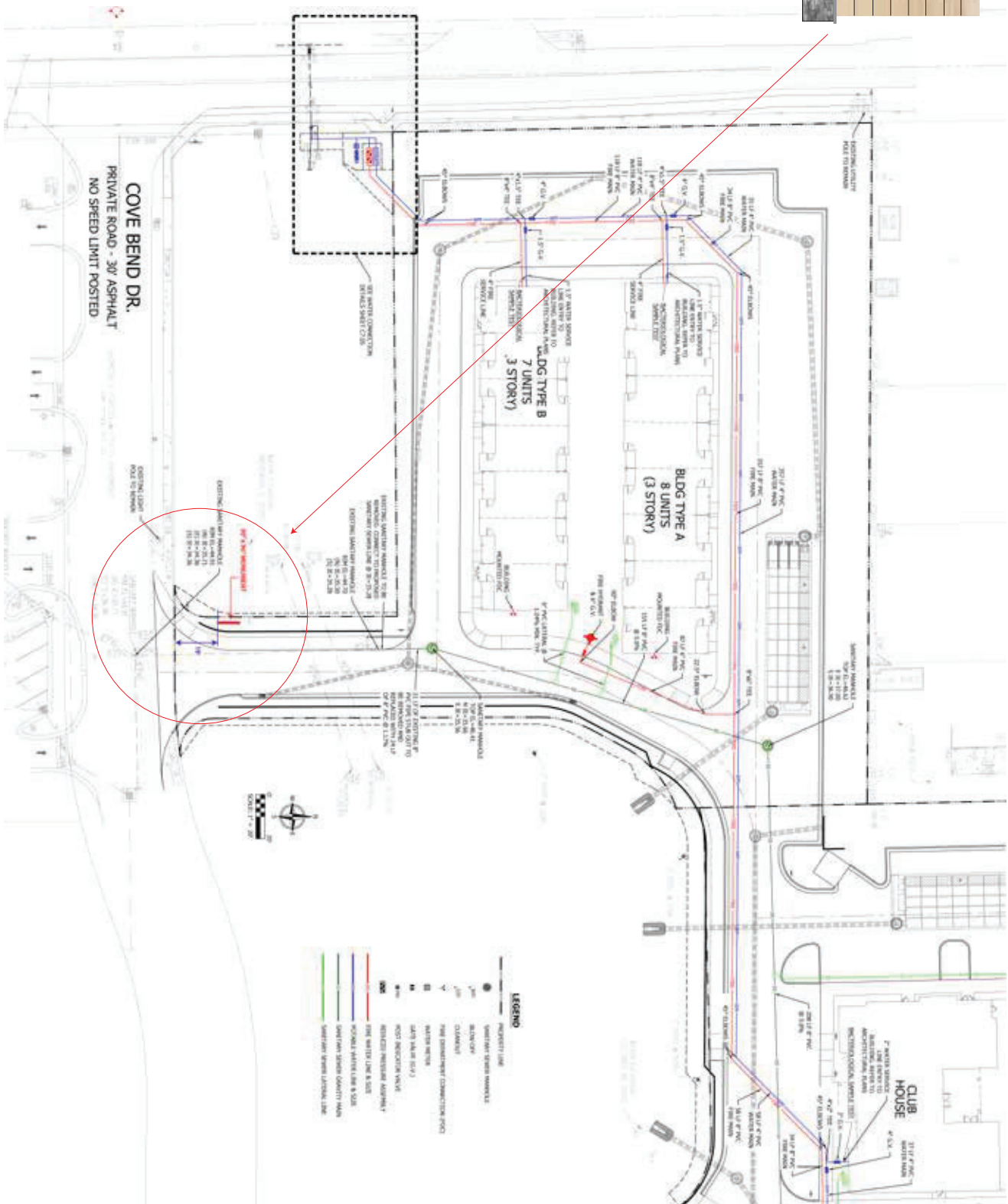
The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

### ADMINISTRATOR'S SIGN-OFF

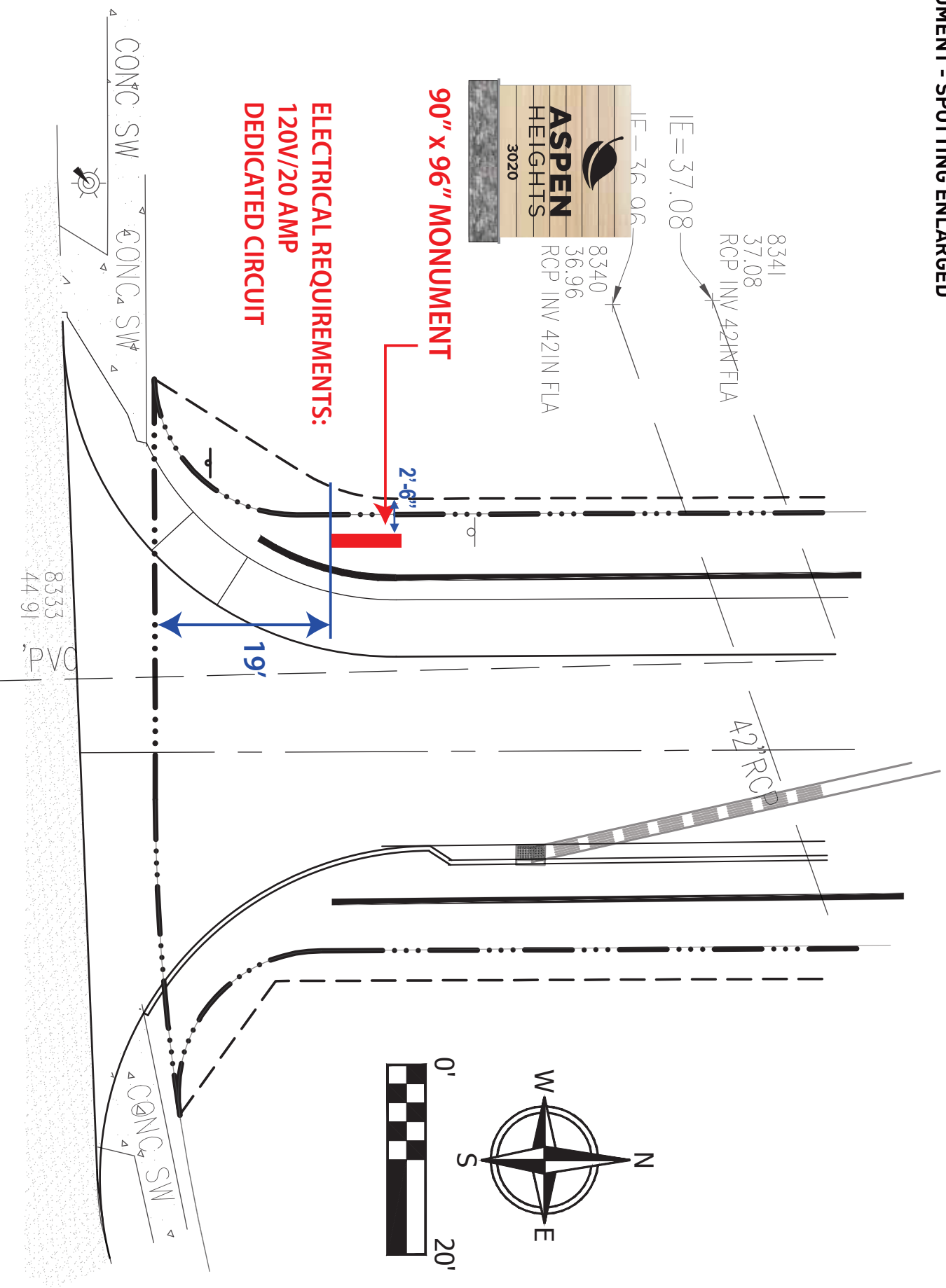
Colleen Marshall  
Tue Jul 11 2023 12:04:25

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

**MONUMENT - SPOTTING**



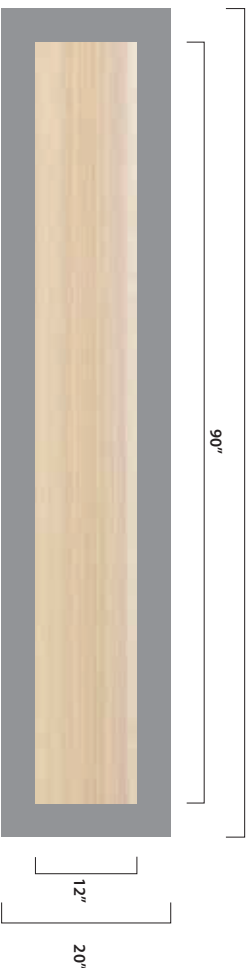
**MONUMENT - SPOTTING ENLARGED**



**ELECTRICAL REQUIREMENTS:  
 120V/20 AMP  
 DEDICATED CIRCUIT**

**90" x 96" MONUMENT**

**MONUMENT**



**MONUMENT**



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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.

We are requesting a hardship variance to install a ground/monument sign for a new apartment development at 3020 Cove Bend Dr, Lutz, FL. All the existing setback requirements are unable to be met given the development plan already approved, existing property lines and the approved access road to the new apartment development.

Current code requires that we have a 10' side setback from the property line (undeveloped commercial property): we don't have 10' available.

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

Section 7.03.00.C.1.b

### 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 Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing

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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?

The only access to this parcel and development is the one entry road; there are no other entry/exit to the said property for another ground/monument sign to be installed. The proposed location is the only option

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.

Without a variance we have no option for a ground/monument sign to identifying the development.

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

The ground/monument sign is all within the size restrictions outlined by the code. We are only seeking the option to place a ground/monument sign closer to the neighboring property line. It would not interfere with neighboring property of a undeveloped commercial property

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).

Every neighborhood, commercial development, apartment complex has an identifying ground/monument sign to visually communicate the location, address, brand and create a community and sense of place. Having a monument sign for a location also is a necessary life safety to make easier for emergency personal to find the complex fast with it identified from the street.

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.

We attempted to permit the sign and it was rejected from the permit zoning reviewers, because we cannot meet the side setback requirements under any circumstances; the site plan and property lines do not allow it.

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.

The variance would allow the apartment complex to have an identifying ground/monument sign to visually communicate the location, street address number and increase property values with a premium brand and create community and sense of place.

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This instrument was prepared  
by and should be returned to:

Bruce S. Goldstein, Esq.  
18603 Avenue Capri  
Lutz, FL 33558

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made effective as of December 10, 2021, by JEM INVESTMENTS LTD. II, LLLP, a Florida limited liability limited partnership, whose address is 501 N. Morgan Street, #202, Tampa, Florida 33602 (hereinafter referred to as the "Grantor") to BRECKENRIDGE GROUP TAMPA FLORIDA, LLC, a Delaware limited liability company, whose address is 1301 S. Capital of Texas Hwy, Suite B-201, Austin, Texas 78746 (hereinafter referred to as the "Grantee");

Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and their successors and assigns.

Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, alienate, remise, release, convey, and transfer to Grantee, the land in Hillsborough County, Florida, described on Exhibit "A" attached (the "Property").

TOGETHER WITH all the tenements, hereditaments, easements and appurtenances, including riparian rights, if any, thereto belonging or in anywise appertaining;

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

AND THE GRANTOR hereby covenants with Grantee that Grantor is lawfully seized of said Property in fee simple; that Grantor has good right and lawful authority to convey said Property; and that Grantor hereby warrants title to the Property and will defend the same against the claims of all persons claiming by, through or under Grantor, but no others.

THE CONVEYANCE made herein, however, is expressly subject only to the matters set forth on Exhibit "B" attached hereto, however this reference shall not serve to reimpose same, and taxes and assessments for the year 2022 and subsequent years, which are not yet due and payable.

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IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of the date first set forth above.

Signed, sealed and delivered in the presence of:

JEM INVESTMENTS LTD. II, LLLP, a Florida limited liability limited partnership

By: [Signature]  
Print Name: Lucrecia Carter

By: Cosmic Investments, Inc. a Florida corporation, its sole general partner

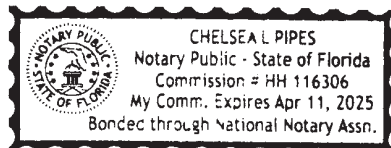
By: [Signature]  
Print Name: Carvin M. Greco

By: [Signature]  
Josephine Greco Dato, President of Cosmic Investments, Inc.

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 8<sup>th</sup> day of December, 2021 by Josephine Greco Dato, as President of Cosmic Investments, Inc., the sole general partner of JEM INVESTMENTS LTD. II, LLLP, a Florida limited liability limited partnership, on behalf of the corporation and the limited liability limited partnership. She is personally known to me or has produced \_\_\_\_\_ as identification.

(NOTARY SEAL)



[Signature]  
Notary Public Signature

Chelsea Pipes  
Typed or Printed Notary Name  
Notary Public-State of Florida  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**EXHIBIT "A"**  
**Legal Description**

A PORTION OF THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 28 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 6 OF LAKE FOREST UNIT NO 4 ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 49, PAGE 35 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, ALSO BEING A POINT ON A CURVE, CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1245.92 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE AND THE NORTHERLY RIGHT-OF-WAY LINE OF BRUCE B. DOWNS BOULEVARD (STATE ROAD NO. 581) 322.71 FEET THROUGH A CENTRAL ANGLE OF 14°50'25" (CHORD BEARING S.69°55'05"W., 321.80 FEET); THENCE CONTINUE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION NO. 10590-2151, NON-TANGENT, S.89°55'53"W., 207.68 FEET, THENCE S.00°04'07" E., 10.00 FEET; THENCE S.89°55'53"W., 309.70 FEET TO THE NORTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4554, PAGE 914; THENCE ALONG THE SAID NORTHERLY LINE N.67°16'20" W., 22.53 FEET; THENCE N.80°48'35" W., 141.70 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 30TH STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE N.01°32'12"W., 419.83 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, N.01°32'12" W., 217.19 FEET; THENCE ALONG THE SOUTHERLY BOUNDARY OF HAROLD'S SUBDIVISION AS RECORDED IN PLAT BOOK 36, PAGE 80 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA N89°58' 01"E., 309.01 FEET; THENCE S.01°42'21"E., 86.48 FEET TO A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE 37.45 FEET THROUGH A CENTRAL ANGLE OF 42°54'41" (CHORD BEARING S.49°07'17"W., 36.58 FEET); THENCE S.27°39'57"W., 16.22 FEET TO A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE 24.72 FEET THROUGH A CENTRAL ANGLE OF 28°19'31" (CHORD BEARING S.13°30' 11" W., 24.47 FEET; THENCE S.00°39' 34"E., 147.95 FEET TO A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 15.10 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE 25.94 FEET THROUGH A CENTRAL ANGLE OF 98°25'01" (CHORD BEARING S.49°42' 04" E., 22.85 FEET) TO A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 225.00 FEET; THENCE WESTERLY ALONG SAID CURVE 33.43 FEET THROUGH A CENTRAL ANGLE OF 08°30'44" (CHORD BEARING S.85°09'11" W., 33.40 FEET); THENCE S.89°24'33"W., 44.35 FEET TO A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 15.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE 22.97 FEET THROUGH A CENTRAL ANGLE OF 87°43'23" (CHORD BEARING N.43°12' 07"E., 20.79 FEET), THENCE N.00°39'34"W., 85.88 FEET; THENCE S.89°00'56"W., 219.64 FEET TO THE POINT OF BEGINNING.

AND

A PORTION OF THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 28 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 6 OF LAKE FOREST UNIT NO. 4 ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 49, PAGE

35 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; THENCE ALONG THE WESTERLY BOUNDARY OF SAID LAKE FOREST UNIT NO. 4, N.02°06'12" W., 547.95 FEET; THENCE S.89°58'01"W., 333.99 FEET TO THE POINT OF BEGINNING; THENCE S.54°19'45"W., 171.42 FEET; THENCE N.35°40'15" W., 16.79 FEET TO A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 40.00 FEET; THENCE NORTHWESTERLY 39.17 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 56°06' 13" (CHORD BEARING N.63°43'22" W., 37.62 FEET) THENCE S.88°13'32"W., 134.17 FEET TO A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 60.00 FEET THENCE SOUTHWESTERLY 15.31 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°37'18" (CHORD BEARING S.80°54'53"W., 15.27 FEET); THENCE ALONG THE EASTERLY BOUNDARY OF HAROLD'S SUBDIVISION AS RECORDED IN PLAT BOOK 36, PAGE 80, AND TOWSLEY'S SUB AS RECORDED IN PLAT BOOK 36, PAGE 6 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, N.01°42'21"W., 776.00 FEET; THENCE ALONG THE SOUTHERLY BOUNDARY OF LIVINGSTON ESTATES, FIRST ADDITION AS RECORDED IN PLAT BOOK 35, PAGE 25 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, S.89°59'35"E., 331.83 FEET; THENCE ALONG THE EAST BOUNDARY OF SAID LAKE FOREST UNIT NO. 4, S.01°54' 13"E., 699.78 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

NON-EXCLUSIVE EASEMENT(S), APPURTENANT TO AND FOR THE BENEFIT OF SAID LANDS, AS SET FORTH AND CREATED IN THAT CERTAIN DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS DATED APRIL 4, 2002, RECORDED APRIL 5, 2002, IN OFFICIAL RECORDS BOOK 11542, PAGE 0020, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, FOR THE PURPOSES SET FORTH THEREIN, OVER AND ACROSS CERTAIN LANDS INCLUDING PORTIONS OF COMMON AREAS MORE PARTICULARLY DESCRIBED AT SECTION 2.1 THEREIN.

**EXHIBIT "B"**  
**Permitted Encumbrances**

1. Terms, covenants, conditions, easement(s) and other matters contained in the Declaration of Easements, Covenants and Restrictions dated April 4, 2002, recorded April 5, 2002, in Official Records Book 11542, Page 20, Public Records of Hillsborough County, Florida.
2. Restrictions, easement(s) and other matters which may be contained in the unrecorded Lease dated November 12, 2001, and made by JEM Investments LTD II, LLLP, a Florida Limited Liability Limited Partnership and Cracker Barrel Old Country Store, Inc., a Tennessee corporation, a Memorandum/Short Form of which was recorded April 5, 2002, in Official Records Book 11542, Page 64, as affected by Agreement recorded in Official Records Book 12383, Page 113, and as amended in Official Records Book 15118, Page 57, Public Records of Hillsborough County, Florida. (As to appurtenant easement parcel only)
3. Restrictions, easement(s) and other matters that are contained in the unrecorded Lease dated April 7, 2005, and made by JEM Investments LTD II, LLLP, a Florida Limited Liability Limited Partnership and Chick-Fil-A, Inc., a Georgia corporation, a Memorandum/Short Form of which was recorded May 10, 2005, in Official Records Book 14986, Page 367, as amended in Official Records Book 16234, Page 1761, Public Records of Hillsborough County, Florida. (As to second parcel and appurtenant easement parcel)
4. Restrictions, easement(s) and other matters which may be contained in the unrecorded Lease dated December 14, 2005, and made by JEM Investments LTD II, LLLP, a Florida Limited Liability Limited Partnership and Bank of St. Petersburg, a Memorandum/Short Form of which was recorded December 19, 2005, in Official Records Book 15895, Page 795, Public Records of Hillsborough County, Florida. (As to appurtenant easement parcel)
5. Easement granted to Tampa Electric Company recorded July 31, 1945, in Deed Book 1333, Page 599, Public Records of Hillsborough County, Florida.

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**Hillsborough  
County Florida**  
Development Services

### Property/Applicant/Owner Information Form

Application No: <u>VAR 23-0454</u>	<b>Official Use Only</b>	Intake Date: <u>04/26/2023</u>
Hearing(s) and type: Date: <u>06/26/2023</u>	Type: <u>LUHO</u>	Receipt Number: <u>263089</u>
Date: _____	Type: _____	Intake Staff Signature: <u>Keshia Rivas</u>

#### Property Information

3020 COVE BEND DR LUTZ, FL 33613  
Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

TWN-RN-SEC: 28-19-05 Folio(s): 034886-0000 Zoning: PD 89-0117 Future Land Use: \_\_\_\_\_ Property Size: 1.53

#### Property Owner Information

BRECKENRIDGE GROUP TAMPA FLORIDA LLC  
Name: \_\_\_\_\_ Daytime Phone \_\_\_\_\_  
1301 S CAPITAL OF TEXAS HWY STE B201 AUSTIN, TX 78746-6502  
Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Fax Number \_\_\_\_\_

#### Applicant Information

Robert Franklin 407-574-7030  
Name: \_\_\_\_\_ Daytime Phone \_\_\_\_\_  
6130 Edgewater Drive, Ste H Orlando, FL 32835  
Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_  
permitting@citrusign.com  
Email: \_\_\_\_\_ Fax Number \_\_\_\_\_

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

Name: \_\_\_\_\_ 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.

Signature of the Applicant

Robert Franklin

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)

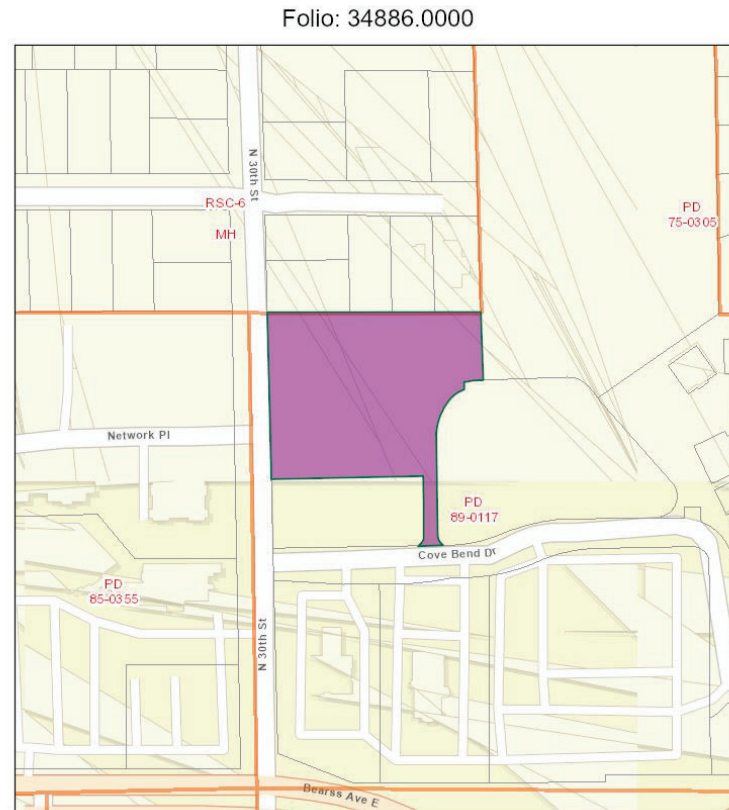
Greg Henry

Type or print name

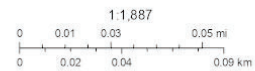


# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	89-0117
Flood Zone:AE	BFE = 39.4 ft
FIRM Panel	0210H
FIRM Panel	12057C0210H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120210E
County Wide Planning Area	University Area Community
Planned Development	PD
Re-zoning	null
Minor Changes	00-0557
Major Modifications	04-0282,00-1093 WD
Personal Appearances	02-0400
Census Data	Tract: 011010 Block: 2007
Future Landuse	R-20
Future Landuse	R-20
Future Landuse	R-20
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	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



April 26, 2023



PD: Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Hillsborough County Florida

**Folio: 34886.0000**  
**PIN: U-05-28-19-ZZZ-000001-25730.0**  
 Breckenridge Group Tampa Florida Llc  
**Mailing Address:**  
 1301 S Capital Of Texas Hwy Ste B201  
 null  
 Austin, Tx 78746-6502  
**Site Address:**  
 3020 Cove Bend Dr  
 Lutz, Fl 33559  
**SEC-TWN-RNG: 05-28-19**  
**Acreage: 1.54472005**  
**Market Value: \$121,578.00**  
**Landuse Code: 0000 Vacant Resident**

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1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.