



HILLSBOROUGH COUNTY Land Use Hearing Officer

LUHO AGENDA - FINAL

10:00 A.M. MONDAY, April 26, 2021

**R. W. Saunders Sr. Public Library
Ada T. Payne Community Room
1505 N. Nebraska Ave.**

WELCOME AND THANK YOU FOR YOUR PARTICIPATION IN COUNTY GOVERNMENT.

HEARING SCHEDULE:

The LUHO Hearing will Starts at 10:00 A.M., The Following Items on the Morning Agenda Will Be Heard Beginning at 10:00 A.M. With No New Petitions Starting After 5:00 P.M.: Special Uses (SU), Vested Rights (VR), Fee Waivers (FW), Reconsideration Requests, Appeals, Variances (VAR).

HEARING ORDER:

- CALL TO ORDER BY THE HEARING OFFICER
- CONSIDERATION OF CHANGES TO THE AGENDA
- HEARING FOR INDIVIDUAL CASES

WHEN ADDRESSING THE HEARING OFFICER, PLEASE STATE YOUR NAME AND ADDRESS INTO THE MICROPHONE.

IF YOU WISH TO SUBMIT ADDITIONAL MATERIALS REGARDING YOUR APPLICATION TO THE HEARING OFFICER, PLEASE PROVIDE A MINIMUM OF FIVE (5) COPIES OF EACH ITEM. PLEASE BE ADVISED THAT MATERIALS SUBMITTED BECOME PART OF THE PERMANENT RECORD AND CANNOT BE RETURNED.



In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the proceeding, and those seeking an interpreter, should contact the Customer Service Center at telephone number (813) 272-5900 or Hearing/Voice Impaired call 711 no later than 48 hours prior to the proceedings. This meeting is closed captioned for the hearing impaired.

LUHO Hearing Agenda For April 26,2021

The following dates pertain only to applications heard at the April 26, 2021 hearing. The Hearing Officer shall file a Recommendation or Final Decision for each application on May 17, 2021.

For Appeals of Administrative Decisions (APP), the decision of the Hearing Officer is final.

For Variance (VAR) applications, the decision of the Hearing Officer may be appealed to the Land Use Appeals Board. An appeal of the Hearing Officer's decision must be filed with the Hillsborough County Development Services Department no later than 30 calendar days from the final decision date.

The participants at the LUHO public hearing shall consist of the Applicant, County Staff, County Agencies, Proponents, and Opponents, including the public and witnesses with relevant testimony. Each participant's presentation shall be limited in time as described below; however, the LUHO may grant additional time provided that good cause is shown.

The order of presentation for each petition is as follows:

- a. Applicant and witnesses; proposal: 15 minutes**
- b. Administrator, summary of the applicant, County Staff and department findings: 5 minutes**
- c. Planning Commission Staff; statement of compliance or non-compliance: 5 minutes
- d. Proponents; argument for the application: 15 minutes
- e. Opponents; argument against the application: 15 minutes
- f. Staff; amended recommendations, if any: 5 minutes
- g. Applicant; rebuttal and summation: 5 minutes

**For Variance (VAR) applications, County Staff presents its findings before Applicant testimony.

To the maximum extent practicable, the public hearing shall be informal. The LUHO's decision or recommendation must be filed with the Clerk of the BOCC within fifteen (15) working days after the conclusion of the public hearing. Anyone wishing to receive a copy of the recommendation or decision by mail must supply the Clerk of the BOCC with his/her name, address, and a stamped, self-addressed envelope for that purpose.

Please call 813-272-5600 for further information.

STANDING TO APPEAL AND ADDITIONAL EVIDENCE FOR VARIANCE REQUESTS AND APPEALS OF ADMINISTRATIVE DECISIONS

The Land Use Hearing Officer Public Hearing for Variance Requests and Appeals of Administrative Decisions is the time for all interested citizens to present evidence and testimony. This evidence and testimony will be the only evidence subject to review by the appeal board if an appeal is filed. This means that, at the end of today's Public Hearing, the record closes and no new evidence may be submitted as part of the record. Any decision of the Land Use Hearing Officer may be appealed to the Land Use Appeals Board, except Appeals of Administrative Decisions.

The Appeals Board will only consider the Land Use Hearing Officer's decision and the record of the public hearing in making a final decision on petitions. The hearing shall be limited to the record on appeal and shall consist of oral argument by the Administrator, the party appealing the decision, and any interveners, each of whom may be represented by legal counsel.

The following shall have standing to appeal a decision of the Land Use Hearing Officer or to intervene in an appeal:

1. The Applicant
2. Any person or entity which appeared before the Land Use Hearing Officer, presented testimony or other evidence, and is adversely affected by the decision of the Land Use Hearing Officer.

It is the County Attorney Office's role to assure that no new evidence or testimony is allowed before the Appeals Board or the Land Use Hearing Officer. The County Attorney will recommend that the Appeals Board or the Land Use Hearing Officer disregard evidence or testimony which is not contained in the record. Any evidence presented which is outside the record made at today's public hearing could jeopardize the legality of the Appeals Board's decision and the presenter of that evidence could hurt his/her own cause. The requirements and limitations listed above shall apply to all appeals of Administrative Decisions being reviewed by the Land Use Hearing Officer during today's hearing.

The safest course of action is for you to write down your comments today and repeat those to the Appeals Board. Therefore, please be sure that all information which you wish to be heard by the Appeals Board is contained in the record today.

A. LUHO WITHDRAWALS AND CONTINUANCES

- A.1. SU-GEN 21-0143 Life International Academy, Inc.**
This application has been **WITHDRAWN** by the **APPLICANT**.
- A.2. VAR 21-0247 Cheryl C. Kilcoyne, Double E Land Company, LLC & Currie Investments, Inc.**
This application is out of order to be heard and is being **CONTINUED** to the **May 24, 2021 LUHO**.
- A.3. SU-AB 21-0306 Constanera Peruvian Cuisene**
This application is being **CONTINUED** by **STAFF** to the **May 24, 2021 LUHO**.
- A.4. VAR 21-0410 Saglo Development Corp.**
This application is out of order to be heard and is being **CONTINUED** to the **May 24, 2021 LUHO**.
- A.5. VAR 21-0305 Orlando Huertas**
This application is out of order to be heard and is being **CONTINUED** to the **May 24, 2021 LUHO**.
- A.6. VAR 21-0338 Keith Bolton**
This application is out of order to be heard and is being **CONTINUED** to the **May 24, 2021 LUHO**.
- A.7. SU-LE 21-0375 Trademark Metals Recycling, LLC.**
This application is out of order to be heard and is being **CONTINUED** to the **May 24, 2021 LUHO**.
- A.8. VAR 21-0385 Theresa McDonald Kirby**
This application is being **CONTINUED** by **STAFF** to the **May 24, 2021 LUHO**.
- A.9. VAR 21-0400 Denisley Sanchez**
This application is out of order to be heard and is being **CONTINUED** to the **May 24, 2021 LUHO**.
- A.10. SU-AB 21-0454 TSP Companies, Inc.**
This application is out of order to be heard and is being **CONTINUED** to the **March 24, 2021 LUHO**.
- A.11. VAR 21-0455 Greg Baron**
This application is out of order to be heard and is being **CONTINUED** to the **May 24, 2021 LUHO**.
- A.12. VAR 21-0469 BG Ventures LLC.**
This application has been **WITHDRAWN** from the process.

B. VESTED RIGHTS**C. FEE WAIVER**

D. RECONSIDERATION REQUESTS**E. SITE DEVELOPMENT VARIANCE REQUESTS**

E.1. Application Number: VAR 21-0275
Applicant: Stephen J. Dibbs
Location: 350 ft West of intersection:Hoedt Rd/Kings Pkwy.
Folio Number: 016388.0000, 016391.0100 & 016395.0000
Acreege (+/-): 13.37 acres, more or less
Comprehensive Plan: OC-20 & R-4
Service Area: Urban
Existing Zoning: PD (90-0119), ASC-1 & RSC-3
Request: Requesting a variance to encroach into the 30' wetland conservation area setback.

E.2. Application Number: VAR 21-0459
Applicant: Dan Karcher Construction, Inc.
Location: Approximately 1300 ft East of S Falkenburg Rd and Horace Ave Intersection
Folio Number: 068056.0125 & 068070.0000
Acreege (+/-): 15.56 acres, more or less
Comprehensive Plan: UMU-20
Service Area: Urban
Existing Zoning: IPD-2, 96-0180, PD (09-0082) & M
Request: Requesting a variance to encroach into the wetland conservation area setback.

E.3. Application Number: VAR 21-0471
Applicant: Rhodine Lake, LLC.
Location: 11306 Rhodine Rd.
Folio Number: 077345.9382
Acreege (+/-): 31.56 acres, more or less
Comprehensive Plan: R-6 & R-4
Service Area: Urban
Existing Zoning: PD (18-1491)
Request: Requesting a variance to reduce wetland setback width.

F. SIGN VARIANCE REQUESTS

F.1. Application Number: VAR 21-0467
Applicant: Kiran and Palavi Family Foundation
Location: Approximately 1960 ft North of Raulerson Ranch Rd and Navajo Ave intersection.
Folio Number: 061227.0000, 061229.0000 & 061231.0000
Acreege (+/-): 18.76 acres, more or less
Comprehensive Plan: CMU-12
Service Area: Urban
Existing Zoning: RDC-12 & PD (14-1103)
Request: Requesting a sign variance.

G. VARIANCE (VAR) REQUESTS

- G.1. Application Number: VAR 21-0258**
Applicant: Mario A. Parra
Location: 7518 Saint Vincent St.
Folio Number: 024957.0000
Acreege (+/-): 0.248536 acres, more or less
Comprehensive Plan: R-6
Service Area: Urban
Existing Zoning: RSC-6
Request: Requesting a variance to accessory dwelling.
- G.2. Application Number: VAR 21-0262**
Applicant: Billy & Donna Doughty
Location: 11036 Walter Hunter Rd.
Folio Number: 093906.0200
Acreege (+/-): 0.709155 acres, more or less
Comprehensive Plan: R-1
Service Area: Rural
Existing Zoning: AS-1
Request: Requesting a variance to fence requirements.
- G.3. Application Number: VAR 21-0269**
Applicant: Claude W. Tanner
Location: 8208 Stoner Rd.
Folio Number: 075325.0000
Acreege (+/-): 5.273822 acres, more or less
Comprehensive Plan: R-2
Service Area: Urban
Existing Zoning: RSC-3 & ASC-1
Request: Requesting a variance to lot development standards, accessory structure standards and variance to allow a flag lot in the urban service area.
- G.4. Application Number: VAR 21-0403**
Applicant: Jose & Milagros Carreno
Location: 2205 Shermont Pl.
Folio Number: 072925.1080
Acreege (+/-): 0.17 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: PD (75-0310A)
Request: Requesting a variance to lot development standards.

- G.5. Application Number: VAR 21-0456**
Applicant: David N. & Cynthia L. Howard
Location: 12864 Wheeler Rd.
Folio Number: 084813.0100
Acreeage (+/-): 4.39 acres, more or less
Comprehensive Plan: R-1
Service Area: Rural
Existing Zoning: AS-1
Request: Requesting a variance to subdivision requirements.
- G.6. Application Number: VAR 21-0458**
Applicant: Fidias & Leslie Rodriguez
Location: 3007 Pearson Rd.
Folio Number: 087185.6000
Acreeage (+/-): 1.12 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: ASC-1
Request: Requesting a variance to accessory dwelling requirements.
- G.7. Application Number: VAR 21-0460**
Applicant: Daniel Hayman
Location: 18320 Wayne Rd.
Folio Number: 001045.0000
Acreeage (+/-): 1.91 acres, more or less
Comprehensive Plan: R-1
Service Area: Rural
Existing Zoning: ASC-1
Request: Requesting a variance to accessory dwelling standards.
- G.8. Application Number: VAR 21-0468**
Applicant: Bricklemyer Law Group
Location: Northwest corner of Kings Crossing Dr and Big Bend Rd.
Folio Number: 051495.0050
Acreeage (+/-): 0.8 acres, more or less
Comprehensive Plan: CMU-12
Service Area: Urban
Existing Zoning: CG (R)
Request: Variance to lot development standards and buffering and screening requirements.
- G.9. Application Number: VAR 21-0508**
Applicant: Adalberto Rosales
Location: 5116 Linkwood Ave.
Folio Number: 019000.4818
Acreeage (+/-): 0.15 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: RSC-6
Request: Requesting a variance to lot development standards.

H. SPECIAL USES

- H.1. Application Number: SU-GEN 21-0003**
Applicant: Danice M. Donaldson & Alan Jones
Location: 90ft North of intersection: Orient Rd/Deleuil Ave
Folio Number: 039943.0000 & 039944.0000
Acreege (+/-): 1.66 acres, more or less
Comprehensive Plan: CMU-12
Service Area: Urban
Existing Zoning: RSC-6
Request: Requesting Special Use for a school, and variance to minimum lot size by available utilities.
- H.2. Application Number: SU-AB 21-0331**
Applicant: Finn's AB, LLC.
Location: 1112 Apollo Beach Blvd.
Folio Number: 052054.0400
Acreege (+/-): 1.736712 acres, more or less
Comprehensive Plan: R-6
Service Area: Urban
Existing Zoning: PD (77-0123)
Request: requesting a Special Use 4-COP Beer, wine, and liquor for sale and consumption on and off the permitted premises (package sales). with separation waiver(s).
- H.3. Application Number: SU-AB 21-0401**
Applicant: El Rincon Dominicano Inc.
Location: 7210 S. 301 Hwy.
Folio Number: 075559.0000
Acreege (+/-): 0.96 acres, more or less
Comprehensive Plan: OC-20 & R-6
Service Area: Urban
Existing Zoning: RSC-6, CG, & RD-UOD
Request: Requesting a Special Use 4COP-RX beer, wine, and liquor for sale and consumption on the permitted premises only in connection with a restaurant, with separation waiver(s).
- H.4. Application Number: SU-AB 21-0462**
Applicant: Waverly Realty LLC.
Location: 10651 Sheldon Rd.
Folio Number: 004016.0102
Acreege (+/-): 6.17 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: PD (98-1539)
Request: requesting a Special Use 2-COP-R beer and wine for sale and consumption on and off the permitted premises (package sales) in connection with a restaurant, with separation waiver(s).

H.5. Application Number: SU-AB 21-0463
Applicant: Waverly Realty LLC.
Location: 8751 Sheldon Rd.
Folio Number: 0040116.0102
Acreage (+/-): 6.17 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: PD (98-1539)
Request: requesting a Special Use 2-COP-R beer and wine for sale and consumption on and off the permitted premises (package sales) in connection with a restaurant, with separation waiver(s).

H.6. Application Number: SU-AB 21-0464
Applicant: Waverly Realty LLC.
Location: 10631 Sheldon Rd.
Folio Number: 004016.0102
Acreage (+/-): 6.17 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: PD (98-1539)
Request: requesting a Special Use 2-COP-R beer and wine for sale and consumption on and off the permitted premises (package sales) in connection with a restaurant, with separation waiver(s).

I. APPEAL (APP) REQUESTS