

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0838

LUHO HEARING DATE: September 20, 2021 CASE REVIEWER: Kim King

REQUEST: The applicant is requesting 2 setback variances and a variance for additional square footage for a new monument sign located at 13618 N. Florida Ave. for Tyrone Village Mobile Home Park.

VARIANCE(S):

Per Section 7.03.00.C.3.c of the LDC allows up to 2 monument signs at 25 sq. ft. per side/50 sq. ft. total per entrance to a mobile home park.

Per Section 7.03.00.C.1.c requires a monument sign at 10 ft. high have a 21 ft. setback from the right-of-way line. Per Section 7.03.00.C.1.b requires any monument sign to have a 10 ft. setback from any side yard property line.

Variance #1

The applicant is requesting an additional 28 sq. ft. of sign area in order to have a maximum of 30 sq. ft. per side/60 sq. ft. total for a new monument sign.

Variance #2

The applicant is requesting a setback variance of 11 ft. from the right-of-way line and 9 ft. from the side property line to the west. This would allow the monument sign to have a 10 ft. setback from the right-of-way line and a 1 ft. setback from the side property line.

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.

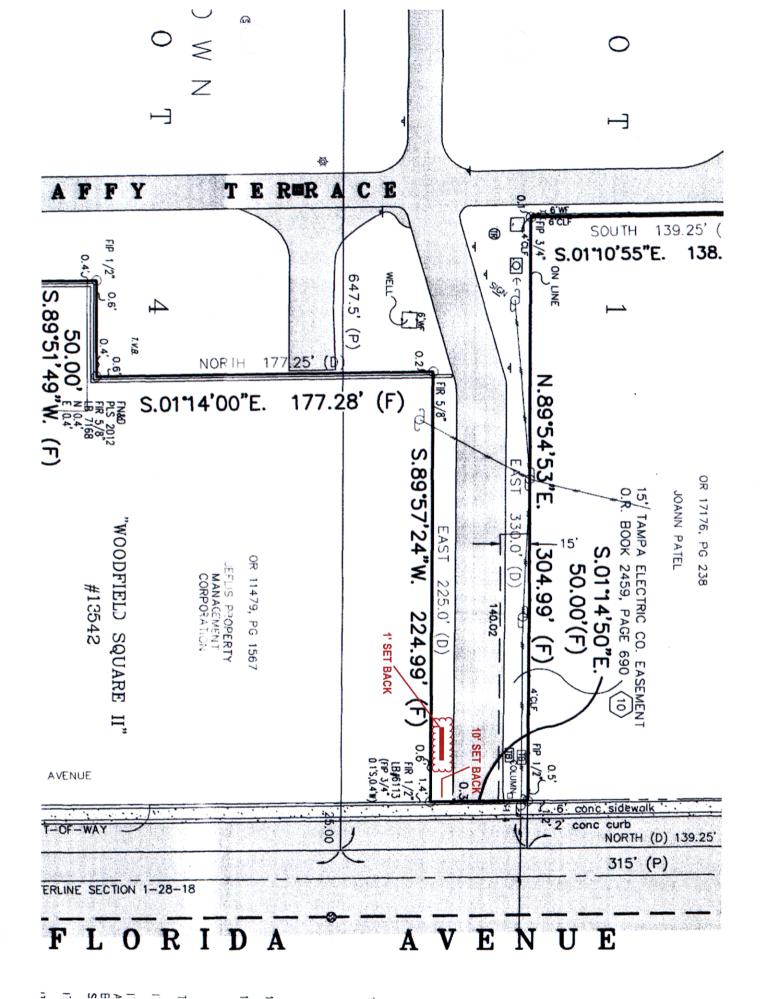
ADMINISTRATOR'S SIGN-OFF

Attachments: Application

Site Plan

Petitioner's Written Statement

Current Deed



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. We are requesting a variance in setbacks from 21' to 10' in the front property line and 10' to 1' in the side property line. We are also requesting a variance in the overall size from 50 sq.ft. to 90 sq.ft.			
	In Case# CE19011420, the County cited the applicant for a monument sign within the North Florida Avenue right-of-way setback.			
	However, the monument sign was brought within the setback only upon the expansion and widening of North Florida Ave.			
	In 1965, the County declared a two-lane, thirty-foot right of way for North Florida Avenue. Around 1974, the applicant's monument sign was			
	installed outside of the setback for North Florida Avenue. In 1985 and 1994, North Florida Avenue was widened to eighty feet to accommodate			
	four lanes. The widening project caused the applicant's monument sign to be located in the right-of-way setback.			
	Notwithstanding, the applicant demolished the monument sign to resolve the citation the County issued in CE19011420. The monument sign			
	was the applicant's only signage or identification advertising visible from North Florida Avenue. The applicant removed the monument sign			
	on the understanding the County would allow the applicant to place a compliant street sign visible from North Florida Ave.			
	The applicant's property is a residential land lease manufactured home community. The need for a sign visible from the street is imperati			
	e for visitors and prospective tenants to locate the community. The sign size limits applicable to the applicant's zoning designation is placing			
	an undue burden on the size of sign this community may have. The ten-foot side setback to the adjacent property line also restricts the			
	community's ability to replace the monument sign the County demanded be removed and replaced.			
	(Continued on Pg. C:1)			
	7.03.00.C.1.b+c			
	ADDITIONAL INFORMATION			
1.	Have you been cited by Hillsborough County Code Enforcement? NoX 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? NoYes XIf yes, please indicate the nature of the application and the case numbers assigned the application(s): NSG23198 (permit this variance is regarding)			
3.	Is this a request for a wetland setback variance? No X Yes Yes If yes, you must complete the <i>Wetland Setback Memorandum</i> and all required information must be included withis Application Packet (Attachment A).			
4.	Please indicate the existing or proposed utilities for the subject property: Public Water N/A Public Wastewater N/A Private Well N/A Septic Tank N/A			
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 X Yes 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 th floor County Center)			

3 07/02/2014

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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?
	The applicant's driveway to North Florida Avenue is much longer and more narrow as compared to similarly located properties. To install a sign visible
	from North Florida Avenue outside of the adjacent side setback would require the sign to be placed in the middle of the driveway, preventing vehicle_
	access. In addition, unlike similarly located properties, the applicant's property is used for leasing dwellings. The commercial nature of this use requires
	conspicuous street signage despite the residential character of the applicant's property.

2. Describe how the literal requirem ents 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.

The similarly located properties on North Florida Avenue have large, conspicuous street signage to promote and identify their businesses. Many of these signs are not in compliance with the code and have not been granted variances. Refusing a variance would deny the applicant its right to freely express and advertise its property to the public in the same manner as similarly situated property owners and effectively deny the applicant equal protection of the law.

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

For nearly fifty years, the applicant maintained a monument sign similar in size and location to the proposed sign. The prior sign existed for nearly fifty years without substantially interfering or injuring the rights of neighboring property owners. The height and size of the proposed sign would be safer than the prior monument sign because it would not be in the line of sight for drivers turning onto North Florida Avenue.

4. Explain how the variance is in harmon y 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 proposed variance meets the intent of the LDC because it is equitable and respects the rights of the applicant to have street signage in a similar location and size as compared to similarly situated property owners in the area. The variance serves the public health, safety, comfort and welfare by allowing the applicant to replace its monument sign with a raised one that gives drivers adequate visibility of oncoming traffic. Denying the variance would not serve the public interest. Denying the size and location of the proposed sign would prevent the public from easily locating the applicant's community without getting lost or stopping traffic. It would also deny the public the ability to find out about the affordable housing offered by the applicant at a time when affordable housing is in short supply.

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.

As explained herein, the County forced the applicant to remove its existing monument street sign which only became non-compliant because the widening of N. Florida Ave. caused the applicant's monument sign to be located in the right-of-way setback. The applicant acted in good-faith in removing its monument sign and is seeking to replace the street sign at the County's request.

6. Explain how allowing the variance will result in substantia l justice being done, consider ing both the public benefit s intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

The proposed variance would do justice because it respects the applicant's right to equal protection of the law. It allows the applicant to have street signage in a similar location and size as compared to similarly situated property owners in the area. It respects the applicant's right to commercial speech. It would be unjust for the County to force the applicant to remove its pre-existing monument sign and then prevent the applicant from replacing it with a code-compliant street sign. The applicant's manufactured home business and the residents living there would suffer a substantial hardship if the community is not able to identify and advertise on the street frontage as similarly situated property owners do.

The variance serves the public health, safety, comfort and welfare by allowing the applicant to replace its monument sign with a raised one that gives drivers adequate visibility of oncoming traffic. Denying the size and location of the proposed sign would prevent the public from easily locating the applicant's community without getting lost or stopping traffic. It would also deny the public the ability to learn about the affordable housing offered by the applicant at a time when affordable housing is in short supply.

07/02/2014



Ryan J. Vatalaro Attorney ryan@atlaslaw.com

> P 813.241.8269 F 813.840.3773

September 1, 2021

Via E-Mail Only

Hillsborough County Development Services Department, Community Development Division

Attn: Zoning Administrator Hearings@HCFLGov.net

Via E-Mail Only

Hillsborough County Development Services Department, Community Development Division

Attn: Zoning Hearing Master Hearings@hillsboroughcounty.org

Re: LAND USE VARIANCE HEARING EVIDENCE AND TESTIMONY

Application: #21-0838

Applicant/Property: TV MHC LLC, 13618 N. Florida Ave, Tampa, FL 33613

To the above addressees:

Atlas Law represents TV MHC, LLC ("Owner"), with regard to the land use variance Application #21-0838 for the installation of a new sign on the Owner's property. An agent of Next Day Signs will act as the Owner's representative and witness for the upcoming land use hearing on the Application. The purpose of this statement is to provide background evidence and testimony for the Zoning Administrator's consideration in the preparation of the Staff's Final Report. This statement is also provided for the hearing record and the Hearing Master's consideration.

For decades, the Owner previously had a monument sign fronting N. Florida Ave. for its community until the County issued citation #CE19011420. The County cited the applicant for a monument sign within the North Florida Avenue right-of-way setback. However, the monument sign was not installed in the setback, the expansion and widening of North Florida Ave brought the sign within the setback of the new roadway.

In 1965, the County recorded a maintained right of way declaration for Fletcher Avenue at N. Florida Ave. This maintained right of way declaration dated December 17, 1965 is recorded in Hillsborough County Official Records as Instrument # -6757491. A copy of the Florida Ave. maintained right of way declaration is enclosed as **Exhibit "A."** The declaration shows N. Florida Ave. having two lanes of traffic at the time.

Around 1974, the applicant's monument sign was installed outside of the setback for North Florida Avenue. The Florida Department of Transportation (FDOT) confirmed work in 1985 and 1994 widened N. Florida Ave. from 30 feet to its current width of 80 feet to accommodate four lanes of traffic. A true and correct copy of FDOT's statement is attached hereto as **Exhibit "B."**

21-0838 RCVD

It was the widening projects referenced by FDOT in Exhibit "B," not the Owner, which caused the original monument sign to be located in the right-of-way setback. Notwithstanding, the applicant demolished the monument sign at the County's request. The monument sign was the applicant's only signage or identification advertising visible from North Florida Avenue. The applicant removed the monument sign on the understanding the County would allow the applicant to replace a new compliant street sign visible from North Florida Ave.

For nearly fifty years, the applicant maintained a monument sign similar in size and location to the proposed sign. The prior sign existed for nearly fifty years without disturbing neighboring property owners or the public. The new sign will be even safer and more in line with the intent of the LDC than the prior one.

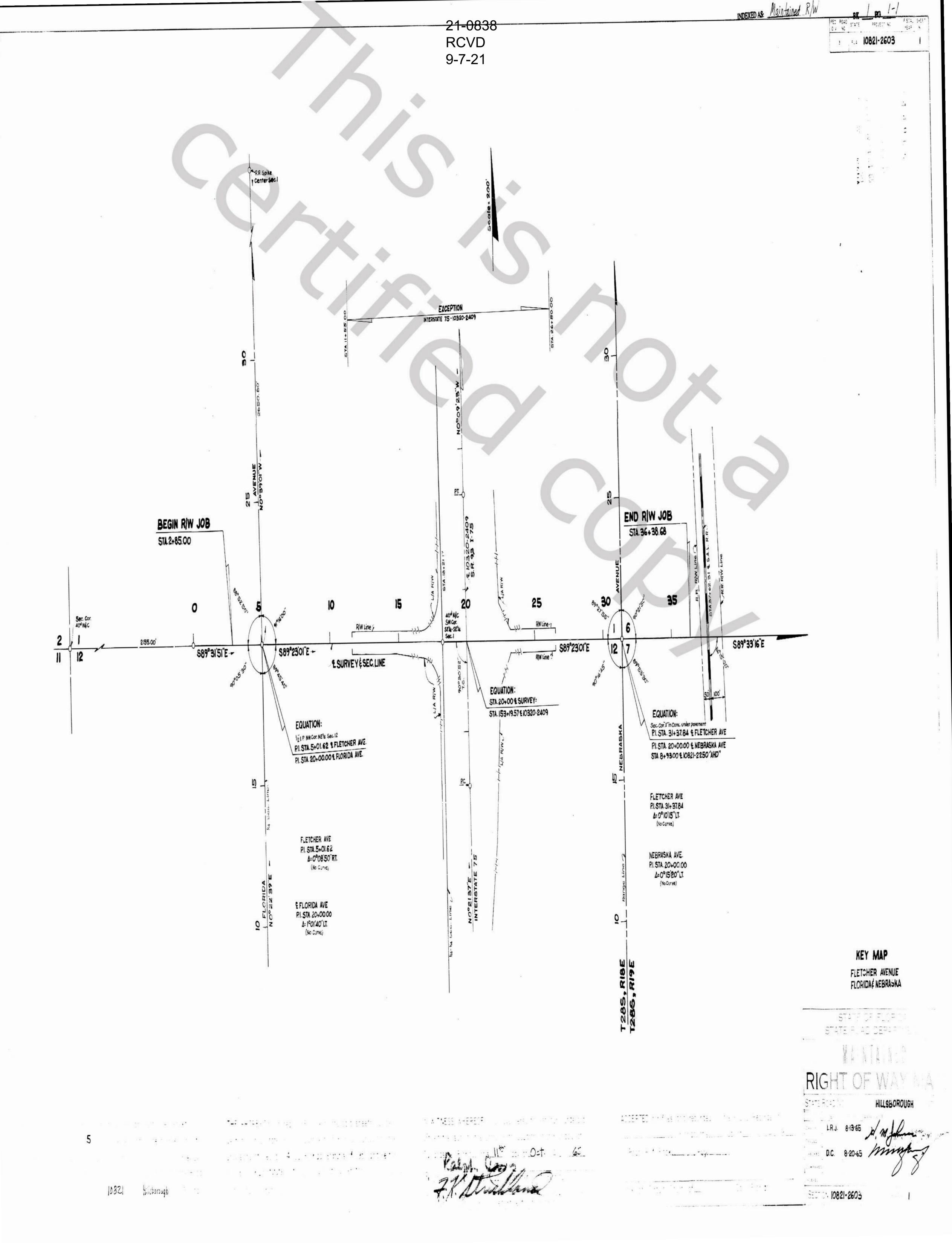
The variance application should be granted because the evidence shows the Owner dedicated a portion of its land for a public roadway and ultimately lost its sign as a result. In turn, it is only equitable for the public to grant a variance to allow the Owner to install a new sign visible to the public using the same roadway which took the original sign.

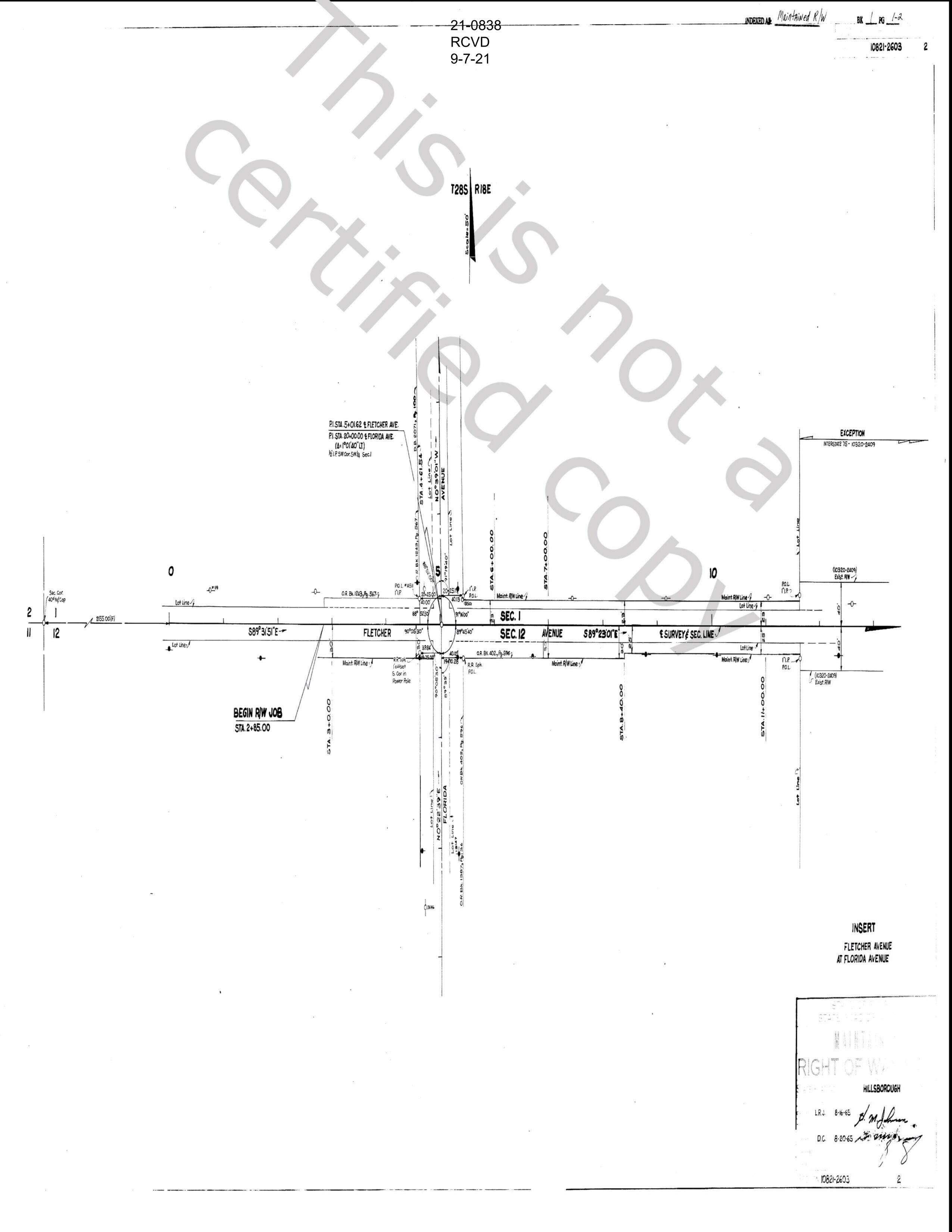
Sincerely,

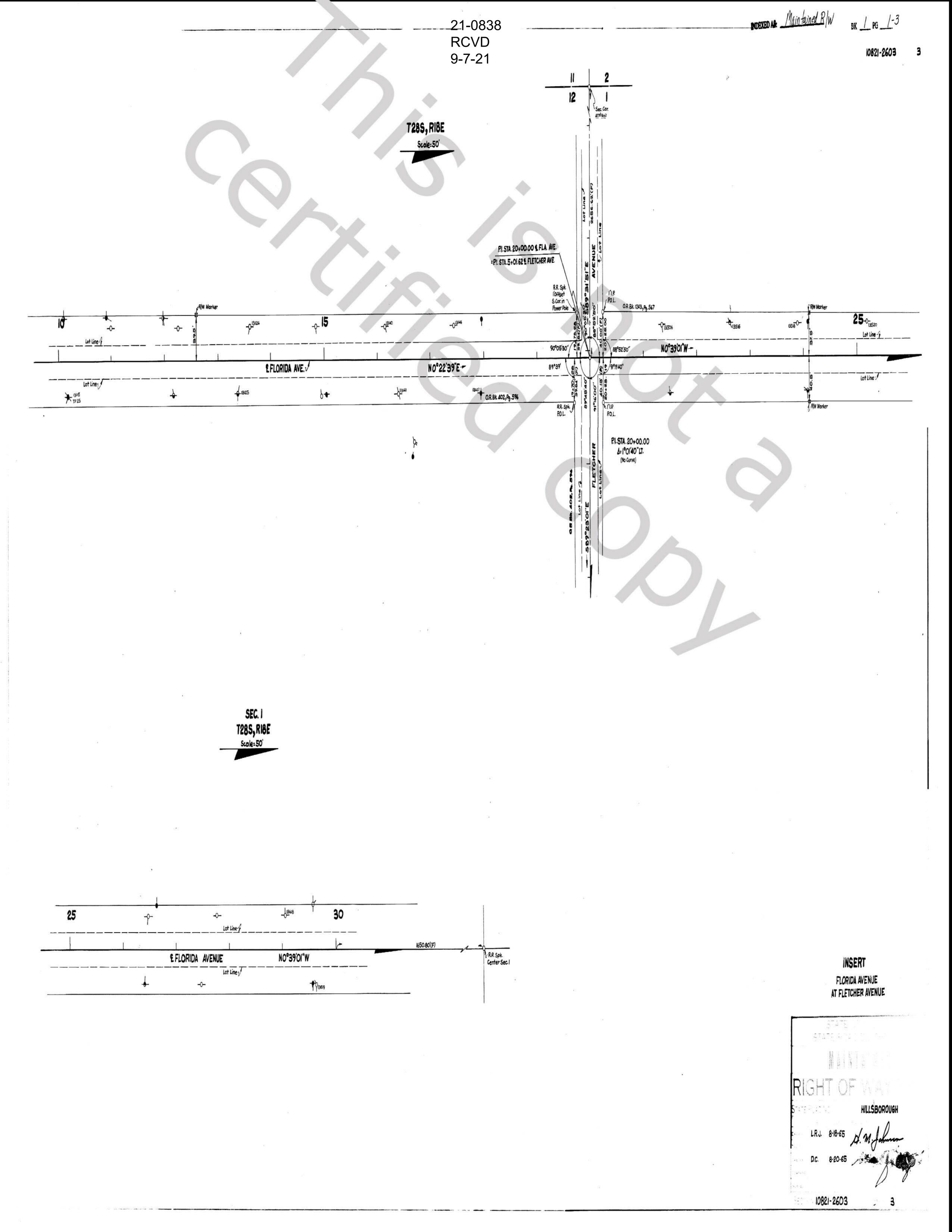
ATLAS LAW

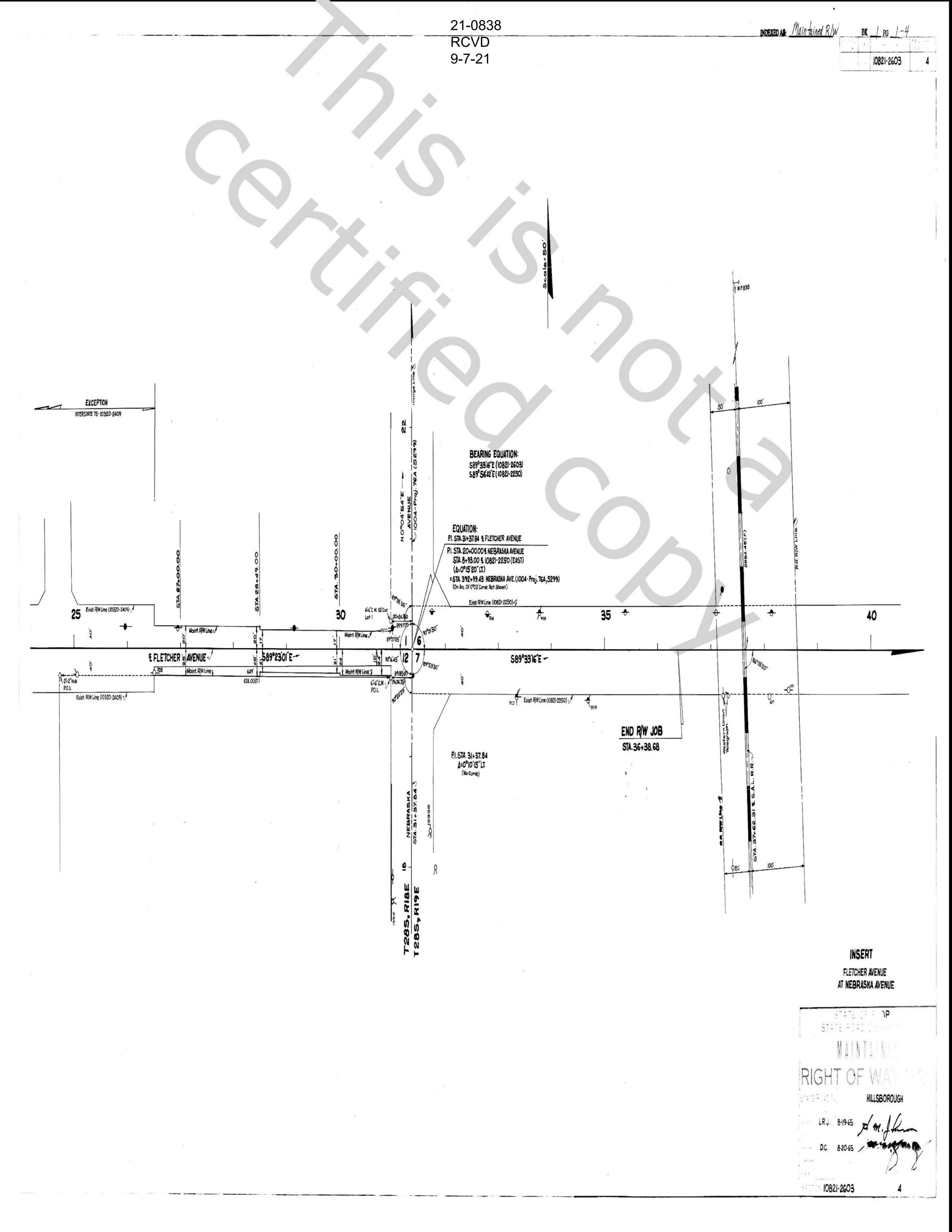
Ryan J. Vatalaro

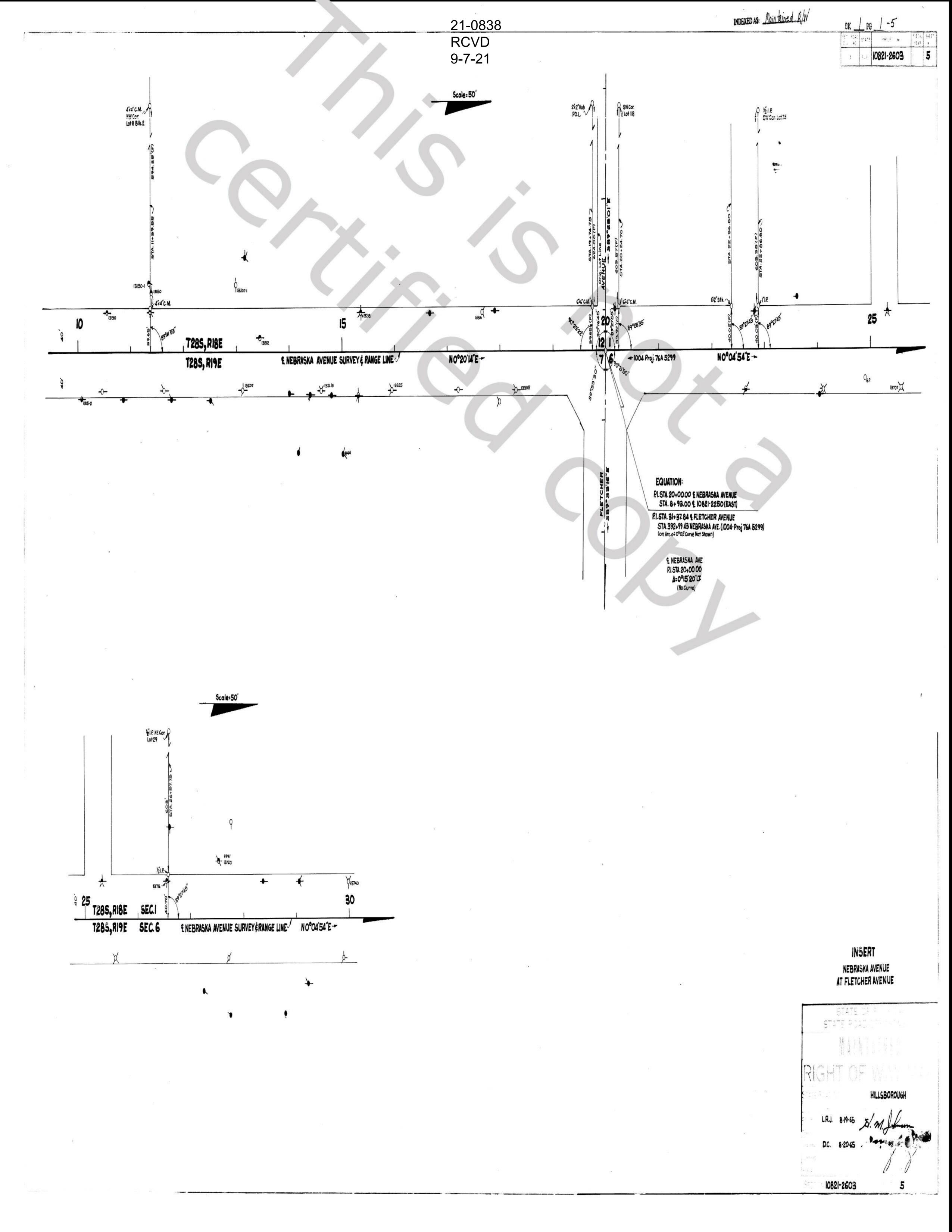
Encl. Exhibits A&B











21-0838

Ryan Vatalaro

FDOT Support <fdot@mycusthelp.net> 9-7-21
Tuesday, March 10, 2020 10:11 AM

To: Ryan Vatalaro

Subject: [FDOT Support] Public Records Request :: P017773-022520

--- Please respond above this line ---



From:

Sent:

RE: PUBLIC RECORDS REQUEST of February 25, 2020, Reference # P017773-022520

Dear Ryan J. Vatalaro,

The Florida Department of Transportation received a request from you on February 25, 2020. Your request mentioned:

"I am seeking to obtain eminent domain and/or acquisition records from the Right of Way Office for the N. Florida Ave widening project which converted N. Florida Ave from two lanes to four. More specifically, I am looking for the acquisition records relating to the property at 13618 N FLORIDA AVE, TAMPA, commonly known as 'Tyrone Village Mobile Home Community."

We have reviewed our files and have determined there are no documents responsive to your request. Per our Right-of-Way Office, "We have researched the property located at 13618 N. FloridaAve, Tampa. We had a project in the area around 1985, (project # 10020-2518) and another one in 1994 (10020-2524) but no acquisition was made from thereferenced property. Prior to that we can find no records of right of waybeing acquired from this property by Florida Department of Transportation. The original Right of Way for Florida Ave appears to havebeen 30', Our records show an 80' right of way, 40' each side of thecenterline this is based off of a document referenced as "CC Book "R" pages 516 and 517". This document is not available electronically. We haveordered the instrument and are expecting delivery shortly. Our expectations is the Hillsborough County acquired the right of way early in thelast century." If you would like additional help, please contact the County of Hillsborough. Accordingly, your request is now closed.

If you have any questions or wish to discuss this further, you may contact my office at 813-975-6484.

Sincerely,

Jennifer Nakasu Paralegal Specialist - Litigation General Counsel-D7 813-975-6484

To monitor the progress or update this request please log into the <u>FDOT Support</u>



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Prepared by and RETURN TO:

Jonathan James Damonte, Esq. Jonathan James Damonte, Chartered 12110 Seminole Blvd.

Largo, FL 33778

File No.: 05-015

PARCEL I.D. 1546470

Please Return To: Sharyn Waidzunas Stewart Title Guaranty Company 201 N. Franklin Street, Suite 2400

Tampa, FL 33602

813.769.5620 Facsimile: 813.769.5623

INSTR # 2005224863 O BK 15046 PG 0478

Pgs 0478 - 481; (4pgs)

RECORDED 05/25/2005 03:33:23 PM CLERK OF COURT HILLSBORDUGH COUNTY DOC TAX PD(F.S.201.02) 15,715.00 DEPUTY CLERK P Beckham

SPECIAL WARRANTY DEED

Effective this 25th day of May, 2005, between, **TYRONE PARK**, L.L.C., a Maryland limited liability company, with a mailing address of 2436 N Florida Avenue, Tampa, Florida 33618, Grantor* and **TV MHC**, LLC, a Florida limited liability company, with a mailing address of 8833 Gross Pointe Rd., Ste. 310, Skokee, IL 60077, Grantee*,

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 successors and assigns forever, the following described land, situate, lying and being in Hillsborough County, Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Together with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever.

And, the Grantor covenants with said Grantee that, except for the title exceptions set forth on <u>EXHIBIT "B"</u> attached hereto and made a part hereof, it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to the land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

*"Grantor" and "Grantee" are used for singular or plural, as context requires.

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

'CERTIFIEL

20.	Signed, sealed and	delivered in our presence:
USY	Witnesses:	OPY
	(\\\)	

Tyrone Park, L.L.C., a Maryland limited liability company

Michael S. Hay, its Managing Member

Print Name: Sally JS Carrier

STATE OF South Carolina COUNTY OF Charleston

liaiblity company, who [] is/are personally known to me or [] has/have produced. SC Drives Lieuse as identification.

UNCERTIFIED

Notary Public

My commission expires March 17, 2015

CERTIFIEL

ERTIFIEL

Exhibit "A"
Legal Description

Tyrone Village

The South 3/4 of Lot 2, all of Lots 3 and 4, and the South 236.25 feet of Lot 1, NORTH TAMPA HEIGHTS, according to the map or plat thereof recorded in Plat Book 3 on Page 73, Public Records of Hillsborough County, Florida, LESS AND EXCEPT the following described parcels;

- (a) Beginning at the Northeast corner of the South 236.25 feet of said Lot 1, run West 330.00 feet; thence South 139.25 feet; thence East 330.00 feet; thence North 139.25 feet to the point of beginning; lying in Block 9, NORTH TAMPA HEIGHTS, according to map or plat thereof recorded in Plat Book 3 on Page 73, of the Public Records of Hillsborough County, Florida;
- (b) A portion of Lots 1 and 4, in Block 9 of NORTH TAMPA HEIGHTS, according to the map or plat thereof, as recorded in Plat Book 3, Page 73, of the Public Records of Hillsborough County, Florida, more particularly described as follows: Commence at the Southeast corner of the above described Lot 4; thence run West along the South boundary of said Lot 4, a distance of 25.00 feet to the West right-of-way line of Florida Avenue for a point of beginning; thence continue West along the South boundary of said Lot 4, a distance of 275 feet; thence run North parallel with the Westerly right of-way line of Florida Avenue, a distance of 200.0 feet; thence run East parallel with the South boundary of Lot 4, a distance of 50.0 feet; thence run North parallel with the Westerly right-of-way line of Florida Avenue, a distance of 177.25 feet; thence run East parallel with the South boundary of Lot 4, a distance of 225.0 feet to a point on the Westerly right-of-way line of Florida Avenue; thence South along the Westerly right-of-way line of Florida Avenue a distance of 377.25 feet to the point of beginning;

CERTIFIED

(c) The East 25 feet for road right-of-way for Florida Avenue.

EXHIBIT "B"

- 1. Taxes and assessments for the year 2005 and subsequent years, which are not yet due and payable.
- 2. Easement to Tampa Electric Company recorded in O.R. Book 2440, page 968, of the Public Records of Hillsborough County, Florida.
- 3. Easement to Tampa Electric Company recorded in O.R. Book 2459, page 690, of the Public Records of Hillsborough County, Florida.
- 4. Rights or claims of tenants in possession under unrecorded leases, as tenants only.
- 5. Cable television installation and service Agreement recorded in O.R. Book 10354, page 163, of the Public Records of Hillsborough County, Florida.

UNCERTIFIED

21,-0838

VCERTIFIEL



elob/Ta/

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: 13618 N. Florida Avenue City/State/Zip: Tampa, FL 33613 TWN-RN-SEC:					
Folio(s): 018173-0050 Zoning:	Future Land Use: Property Size:				
Property Owner Information					
Name: Kim Porter	Daytime Phone: 847-331-6034				
Address: 13618 N. Florida Avenue	City/State/Zip: Tampa, FL 33613				
	FAX Number:				
Name: Sign Systems and Graphic Designs, Inc. (Shawn Kunkle) Applicant Information Daytime Phone: 813-281-2400					
Address: 5031 W Grace Street	City/State/Zip: Tampa, FL 33607				
Email: shawnk@signsystemstampa.com	FAX Number:				
	tative (if different than above)				
Name:	Daytime Phone:				
Address:City / State/Zip:					
Email:	FAX Number:				
I HEREBY S WEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APP LICATION 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.	I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BI NDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.				
Shawn Kunkle					
Signature of Applicant	Signature of Property Owner				
Shawn Kunkle Type or Print Name	Type or Print Name				
Type of Time Time	7,50				
Office Use Only					
Intake Staff Signature: Ana Lizardo	Intake Date: 05/14/21				
Case Number: 21-0838	Public Hearing Date:07/26/2021				
Receipt Number: 21-0838					



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	91-0034
Zoning Category	Commercial/Office/Industr
Zoning	CG
Description	Commercial - General
Flood Zone:AE	BFE = 44.5 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0204H
FIRM Panel	12057C0204H
Suffix	Н
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	Α
Pre 2008 Flood Zone	Х
Pre 2008 Flood Zone	AE
Pre 2008 Flood Zone	X500
Pre 2008 Firm Panel	1201120204D
County Wide Planning Area	Greater Carrollwood Northdale
Community Base Planning Area	Greater Carrollwood Northdale
Planned Development	PD
Re-zoning	null
Personal Appearances	96-0002
Census Data	Tract: 011204 Block: 5023
Future Landuse	R-4
Future Landuse	OC-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	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



Folio: 18173.0050 PIN: U-01-28-18-0TD-000009-00001.7 TV MHC LLC Mailing Address:

8800 BRONX AVE FL 2 SKOKIE, IL 60077-1804 Site Address:

13618 N FLORIDA AVE TAMPA, FI 33613

SEC-TWN-RNG: 01-28-18 Acreage: 13.40509987 Market Value: \$3,031,500.00 Landuse Code: 2813 COMM./OFFICE

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