



HILLSBOROUGH COUNTY Land Use Hearing Officer

LUHO RESULTS - FINAL

10:00 A.M. MONDAY, January 25, 2021

**R. W. Saunders Sr. Public Library
Ada T. Pain 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 January 25,2021

The following dates pertain only to applications heard at the January 25, 2021 hearing. The Hearing Officer shall file a Recommendation or Final Decision for each application on February 15, 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.

Present Hearing Officer Susan Finch

**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. VAR 20-0317 John R. Schumann**

This application has been **WITHDRAWN** from processing by the **Zoning Administrator**.

Result: Withdrawn

Motion: Withdrawn.

A.2. VAR 20-0398 Eloy Martinez

This application has been **WITHDRAWN** from processing by the **Zoning Administrator**.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 2/22/2021

A.3. VAR 20-0496 Abbye Feeley

This application is being **CONTINUED** by **STAFF** to the **February 22, 2021 LUHO**.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 2/22/2021

A.4. SU-AB 20-1017 TSP Companies, Inc.

This application has been **WITHDRAWN** by the petitioner..

Result: Withdrawn

Motion: Withdrawn.

A.5. VAR 20-1088 Francisco J. Otero-Cossio

This application is being **WITHDRAWN** by the **APPLICANT**.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 2/22/2021

A.6. SU-GEN 21-0003 Danice M. Donaldson & Alan Jones

This application is being **CONTINUED** by **STAFF** to the **March 22, 2021** LUHO.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 2/22/2021

A.7. VAR 21-0040 Apostolic Bible Church of Brandon Inc.

This application is being **CONTINUED** by **STAFF** to the **March 22, 2021** LUHO.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 2/22/2021

A.8. SU-AB 21-0174 Cigars OTB Inc.

This application is being **CONTINUED** by **STAFF** to the **February 22, 2021** LUHO.

Result: Continued

Motion: Continued.to the Land Use Hearing Officer due back on 2/22/2021

B. VESTED RIGHTS**C. FEE WAIVER****D. RECONSIDERATION REQUESTS****E. SITE DEVELOPMENT VARIANCE REQUESTS**

E.1. Application Number: VAR 21-0091
Applicant: Andrew & Bri Evelyn
Location: 12911 Cypress Estates Pl.
Folio Number: 019374.7662
Acreage (+/-): 0.42 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: RSC-9
Request: Requesting a variance to encroach into the wetland conservation area setback.

Result: Approved

Motion: Approved.

E.2. Application Number: VAR 21-0147
Applicant: Mark Leaf & Laurie Besta-Leaf
Location: 19252 Blount Rd.
Folio Number: 012715.0000
Acreage (+/-): 0.45 acres, more or less
Comprehensive Plan: R-2
Service Area: Rural
Existing Zoning: RSC-4
Request: Requesting a variance to encroach into the wetland conservation area setback.

Result: Approved

Motion: Approved.

F. SIGN VARIANCE REQUESTS

F.1. Application Number: VAR 21-0118
Applicant: Carol Bollo
Location: 7430 E. Hillsborough Ave.
Folio Number: 040317.0154
Acreage (+/-): 1.1 acres, more or less
Comprehensive Plan: CMU-12
Service Area: Urban
Existing Zoning: PD, ZC
Request: Requesting a sign variance.

Result: Denied

Motion: Denied.

F.2. Application Number: VAR 21-0119
Applicant: Mark Brenchley
Location: 101 E. Fletcher Ave.
Folio Number: 017959.0000
Acreage (+/-): 14.4 acres, more or less
Comprehensive Plan: OC-20 & R-12
Service Area: Urban
Existing Zoning: CN, CG & 85-0369
Request: Requesting a sign variance.

Result: Approved

Motion: Approved.

G. VARIANCE (VAR) REQUESTS

G.1. Application Number: VAR 20-0244
Applicant: Russell Caple
Location: 8609 W. Knights Griffin Rd
Folio Number: 080817.0100
Acreage (+/-): 2.24 acres, more or less
Comprehensive Plan: R-1
Service Area: Rural
Existing Zoning: AS-1 & RS
Request: Requesting a variance to subdivision standards.

Result: Denied

Motion: Denied.

G.2. Application Number: VAR 20-1284
Applicant: Divy Sarduy
Location: 2916 W. Idlewild Ave
Folio Number: 030842.0000
Acreage (+/-): 0.15 acres, more or less
Comprehensive Plan: R-6
Service Area: Urban
Existing Zoning: RSC-6
Request: Requesting a variance to lot development standards.

Result: Approved

Motion: Approved.

G.3. Application Number: VAR 21-0001
Applicant: Maribel Pagan & Luis Pagan Marchand
Location: 918 Ridgeland Ln.
Folio Number: 086422.0186
Acreage (+/-): 0.27 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: RSC-6
Request: Requesting a variance to the distance separation for Community Residential Home.

Result: Approved

Motion: Approved.

G.4. Application Number: VAR 21-0022
Applicant: Eliezer Seymore Martinez
Location: 7413 Celeste Ln.
Folio Number: 044248.0000
Acreage (+/-): 0.15 acres, more or less
Comprehensive Plan: R-9
Service Area: Urban
Existing Zoning: RSC-6
Request: Requesting a variance to accessory dwelling requirements.

Result: Approved

Motion: Approved.

G.5. Application Number: VAR 21-0043
Applicant: Ziad Estephan
Location: 110 ft West of intersection:N Saint Peter Ave/Sitka St. W.
Folio Number: 024770.5000
Acreage (+/-): 0.13 acres, more or less
Comprehensive Plan: R-6
Service Area: Urban
Existing Zoning: RSC-6
Request: Requesting a variance to lot development standards.

Result: Denied

Motion: Denied.

G.6. Application Number: VAR 21-0084
Applicant: Pamela Gibson
Location: 7004 N. 53rd St.
Folio Number: 038563.0000
Acreage (+/-): 0.5 acres, more or less
Comprehensive Plan: R-6
Service Area: Urban
Existing Zoning: RSC-6
Request: Requesting a variance to minimum lot size by utilities, minimum lot width and lot development standards.

Result: Approved

Motion: Approved.

G.7. Application Number: VAR 21-0120
Applicant: Eliecer Rodriguez Moreno
Location: 6016 Memorial Hwy
Folio Number: 011016.0000
Acreage (+/-): 0.17 acres, more or less
Comprehensive Plan: R-4
Service Area: Urban
Existing Zoning: RSC-6
Request: Variance to distance separation for Community Residential Home and variance to lot development standards.

Result: Denied

Motion: Denied.

G.8. Application Number: VAR 21-0138
Applicant: George L. Reynolds
Location: 4022 Orange St.
Folio Number: 065026.5024
Acreage (+/-): 0.22 acres, more or less
Comprehensive Plan: R-9
Service Area: Urban
Existing Zoning: RSC-6
Request: Requesting a variance to accessory structure requirements.

Result: Denied

Motion: Denied.

G.9. Application Number: VAR 21-0142
Applicant: Michael & Courtney Budin
Location: 19622 Eagle Crest Dr.
Folio Number: 033048.5108
Acreage (+/-): 0.54 acres, more or less
Comprehensive Plan: R-1
Service Area: Rural
Existing Zoning: PD (01-0187) & ASC-1
Request: Requesting a variance to lot development standards and variance to accessory structure requirements.

Result: Approved

Motion: Approved.

H. SPECIAL USES

H.1. Application Number: SU-AB 20-1234
Applicant: Min Feng Liu
Location: 15412 N. Dale Mabry Hwy.
Folio Number: 016355.0510
Acreage (+/-): 0.13 acres, more or less
Comprehensive Plan: OC-20
Service Area: Urban
Existing Zoning: PD (98-0406)
Request: Requesting a Special Use 4-COP Alcoholic Beverage Permit for the sale and consumption of beer, wine, and liquor on and off the permitted premises (package sales) with separation waiver(s).

Result: Approved

Motion: Approved.

H.2. Application Number: SU-AB 21-0013
Applicant: Waverly Realty LLC.
Location: 10619 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 Alcoholic Beverage Permit for the sale and consumption of beer and wine on and off the permitted premises (package sales) in connection with a restaurant, with separation waiver(s).

Result: Approved

Motion: Approved.

H.3. Application Number: SU-AB 21-0141
Applicant: Waverly Realty LLC
Location: 10619 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 Alcoholic Beverage Permit for the sale and consumption of beer and wine on and off the permitted premises (package sales) in connection with a restaurant, with separation waiver(s).

Result: Approved

Motion: Approved.

H.4. Application Number: SU-AB 21-0150
Applicant: Waverly Realty LLC
Location: 10619 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 Alcoholic Beverage Permit for the sale and consumption of beer and wine on and off the permitted premises (package sales) in connection with a restaurant, with separation waiver(s).

Result: Approved

Motion: Approved.

I. APPEAL (APP) REQUESTS