

**Variance Application: VAR 22-1060 (Remand)**

**LUHO Hearing Date:** December 19, 2023

**Case Reviewer:** Tania Chapela



**Hillsborough County Florida**

**Development Services Department**

**Applicant:** Toni Sullivan

**Zoning:** RSC-6

**Address/Location:** 401 Mahogany Drive, Seffner; Folio 66883.2256

**Background/Request Summary:**


Variance application VAR 22-1060 was heard by the Land Use Hearing Officer on August 22, 2022. The petitioner requested a variance to allow a proposed Community Residential Home, Type A, with six or fewer placed residents at 401 Mahogany Drive to be located within 1,000 feet of an existing Community Residential Home, Type A. The LUHO denied the requested variance on September 12, 2022.

The petitioner appealed the denial, and the Land Use Appeals Board heard the matter on October 6, 2023. A motion was made to remand the decision back to the hearing officer and that the LUHO specifically reconsider variance criteria 1, 2, and 4. The LUAB voted to remand the matter to the LUHO hearing scheduled for the December 19, 2023, at 10:00 am.

**Requested Variances:**

LDC Section:	LDC Requirement:	Variance:	Result:
6.11.28.A	Community Residential Homes housing 6 or fewer residences shall not be located within a radius of 1,000 feet of another such existing home with 6 or fewer residents, as measured from property line to property line.	632 feet	368-foot distance separation to existing Community Residential Home at 416 Mahogany Drive.

<b>Findings:</b>	None.
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<b>Zoning Administrator Sign Off:</b>	 Colleen Marshall Fri Dec 1 2023 13:14:12
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**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.



**COUNTY OF HILLSBOROUGH  
DECISION OF THE LAND USE APPEALS BOARD  
[Remand]**

**APPEAL NUMBER:** 22-1514

**PETITION FILE NUMBER:** VAR 22-1060

**APPELLANT/OWNER:** Toni Sullivan

**REPRESENTATIVE:** Jacob T. Cremer and Simone Savino [*Stearns Weaver Miller*]

**PETITION REQUEST:** To appeal the decision of the Land Use Hearing Officer who denied the request for a variance for a 632-foot reduction to the required separation from an existing Community Residential Home Type A.

**LOCATION:** 401 Mahogany Drive, Seffner

**SIZE OF PROPERTY:** 0.21 acres +/-

**EXISTING ZONING:** RSC-6

**FUTURE LAND USE:** RES-6

**SERVICE AREA:** Urban

**DATE OF LAND USE HEARING OFFICER (LUHO) HEARING:** August 22, 2022

**BOARD MEMBERS PRESENT:** Ricki Bauman, Chair  
Maria Elena D’Amico  
Dallas Evans  
Stanley Hinde Jr.  
Daniel Baquerizo, alternate

**SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Appeals Board (“Board”) on October 6, 2023.

1. Attorney for the appellant Simone Savino and Toni Sullivan, appellant, provided testimony rebutting the LUHO’s findings of fact.

**SUMMARY OF BOARD ACTION**

Board member Evans moved to remand the decision back to the hearing officer and that the LUHO specifically reconsider criteria’s 1, 2, and 4, Board member Hinde seconded the motion. Motion passed 3 – 2, Bauman, Chair and Baquerizo, alternate, voted no.


**ORDER**

WHEREFORE, the decision of the LUHO, is hereby remanded to the LUHO hearing scheduled for December 19, 2023 at 10:00 am. at Board of County Commissioners Boardroom, 2<sup>nd</sup> Floor, County Center, 601 E. Kennedy Blvd., Tampa, Fl., 33602, for proceedings that are consistent with the Board's action.

DONE AND ORDERED THIS 18TH DAY OF OCTOBER, 2023.

COUNTY OF HILLSBOROUGH  
LAND USE APPEALS BOARD

BY: \_\_\_\_\_

  
Chair, Land Use Appeals Board

ATTEST:

  
\_\_\_\_\_  
Citizen Boards Support



**Hillsborough  
County Florida**  
Development Services

601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

# Additional / Revised Information Sheet

Date Stamp Here

Application Number: VA22-1060 Applicant's Name: Toni Sullivan

Reviewing Planner's Name: Tania Chapela Date: 8/16/22

**Application Type:**

- Planned Development (PD)
- Variance (VAR)
- Special Use (SU)
- Minor Modification/Personal Appearance (PRS)
- Development of Regional Impact (DRI)
- Conditional Use (CU)
- Standard Rezoning (RZ)
- Major Modification (MM)
- Other \_\_\_\_\_

Current Hearing Date (if applicable): \_\_\_\_\_

Will this revision add land to the project?  Yes  No

**IMPORTANT:** If "Yes" is checked on the above, a Revised Application Sheet, Property Information Sheet, Affidavit to Authorize Agent, and additional Deeds must be filed immediately to ensure proper noticing and sign posting requirements are met.

Will this revision remove land from the project?  Yes  No

### The following must be attached to this Sheet.

- Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.
- An updated Project Narrative consistent with the changes or additional information provided, if applicable.

**Submittal Via:**

Email - Note that no follow up paper file is necessary. Files must be in pdf format and minimum resolution of 300 dpi. Maximum attachment(s) size is 15 MB.

Email this sheet along with all the additional/revised submittal items in pdf to: [ZoningIntake-DSD@hcflgov.net](mailto:ZoningIntake-DSD@hcflgov.net)

For additional help and submittal questions, please call (813) 277-1633 or email [ZoningIntake-DSD@hcflgov.net](mailto:ZoningIntake-DSD@hcflgov.net).

*I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.*

Toni V. Sullivan  
Signature

8/16/22  
Date

**FOR OFFICE USE ONLY**

- Notification E-Mail Sent
- Scanned into OPTIX
- Transmittal Completed

In-Take Completed by: \_\_\_\_\_

Application Number: \_\_\_\_\_

# 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.

3104 I am requesting a variance between 401 Mahogany Dr and 416 Mahogany Dr. Seffner, FL 33584. There is approximately ~~15~~ 31 feet in distance from the front of 416 Mahogany Dr to the front of 401 Mahogany Dr.

It has been proven that youth with a stable home, and structure have a better chance of becoming a productive member of society; opposed to youth without a solid foundation. If approved the youth at 401 Mahogany Dr will range in age from 13-17 years of age, and finally have a stable home.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code: Section 6.11.28 of the Land Development Code, for distance separation between Type A Community Residential Home Facilities

## 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 (Attachment A).
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 and/or septic 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 (form may be obtained from 19<sup>th</sup> floor County Center).



**Hillsborough  
County Florida**  
Development Services

601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

# Additional / Revised Information Sheet

Date Stamp Here

Application Number: VA22-1060 Applicant's Name: Toni Sullivan

Reviewing Planner's Name: Tania Chapela Date: 8/16/22

**Application Type:**

- Planned Development (PD)     Minor Modification/Personal Appearance (PRS)     Standard Rezoning (RZ)
- Variance (VAR)     Development of Regional Impact (DRI)     Major Modification (MM)
- Special Use (SU)     Conditional Use (CU)     Other \_\_\_\_\_

Current Hearing Date (if applicable): \_\_\_\_\_

Will this revision add land to the project?     Yes     No

**IMPORTANT:** If "Yes" is checked on the above, a Revised Application Sheet, Property Information Sheet, Affidavit to Authorize Agent, and additional Deeds must be filed immediately to ensure proper noticing and sign posting requirements are met.

Will this revision remove land from the project?     Yes     No

### The following must be attached to this Sheet.

- Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.
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For additional help and submittal questions, please call (813) 277-1633 or email [ZoningIntake-DSD@hcflgov.net](mailto:ZoningIntake-DSD@hcflgov.net).

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Toni V. Sullivan  
Signature

8/16/22  
Date

**FOR OFFICE USE ONLY**

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- Transmittal Completed

In-Take Completed by: \_\_\_\_\_

## 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?

I will offer shelter to homeless youth, as to the property at 4116 Mahogany Dr. offer shelter to disabled adults. My property at 401 Mahogany Dr. we only house youth between the ages 13-17. make youth only at 401 Mahogany Dr.

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.

There are over 3000 kids in foster care the LDC would deprive me of offerings some kids a safe place to live. They would have a place to enjoy and call home.

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 youth will be under constant adult trained supervision. We have also placed surveillance cameras on the outside of the home 1 camera in the front 1 on each side of the home, and 1 to cover the backyard. The youth will never leave the home or be outside without an adult who has been thru intensive training to over see them.

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).

The intent to provide the appropriate use of the land will be met by giving youth a place to live.

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.

There are no illegal act(s) being performed at the property nor is the hardship self-imposed. Before purchasing the property I used www.floridahealthfinder.gov to search for other Facility/Provider(s) in the area and non appeared on the site within 1000 ft of 401 Mahogany Dr. in Seffner, FL 33584. Otherwise I would have searched for another property. I am only looking to provide shelter for the youth that have been awarded to the state.

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.

Justice will be done by allowing me to shelter youth with no home of their own or no place to call home. Failure to grant the variance will leave those kids still without a stable home environment.





Prepared by  
Elizabeth Knightly, an employee of  
**First American Title Insurance Company**  
1731 South Kings Avenue  
Brandon, Florida 33511  
(813)514-2828

Return to: Grantee

File No.: 13579-2729224

## **WARRANTY DEED**

THIS INDENTURE, executed on **February 04, 2022**, between

**Patrick Jones married man, joined by spouse Elaine Jones**

whose mailing address is: 3465 Seneca Club Loop Unit #A, Orlando, FL 32808,  
hereinafter called the "grantor", and

**Toni Vonshaye Sullivan, an unmarried person**

whose mailing address is: 421 Country Vineyard Dr, Valrico, FL 33594,  
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

**WITNESSETH:** The grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration, receipt whereof is hereby acknowledged, by these presents does grant, bargain, release, convey and confirms unto the grantee, their heirs and assigns, all that certain land situate in **Hillsborough** County, **FL**, to-wit:

Lot 28, Block E, BRANDON GROVES SECTION TWO, according to the map or plat thereof, as recorded in Plat Book 52, Page(s) 3-1, of the Public Records of Hillsborough County, Florida.

Parcel Identification Number: **668832256**


**Subject to** all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any way 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 31st of 2021.


**In Witness Whereof**, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

  
Patrick Jones

  
Elaine Jones

*Signed, sealed and delivered in our presence:*

  
Witness Signature

  
Witness Signature

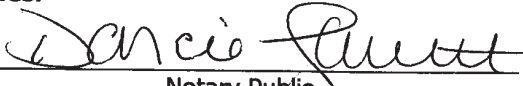
DARCIE JARRETT  
Print Name

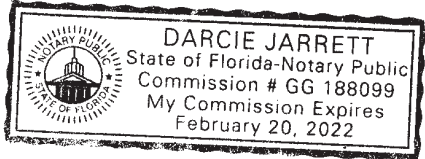
Kristina Butera  
Print Name

State of Florida

County of HUSBURG

**The Foregoing Instrument Was Acknowledged** before me by means of  physical presence or  online notarization, on 1/31/2022, by **Patrick Jones, joined by spouse Elaine Jones.**

  
Notary Public  
DARCIE JARRETT  
(Printed Name)



My Commission expires: 2/20/2022

Personally Known  OR Produced Identification   
Type of Identification Produced a valid driver's license

{Notarial Seal}



# Additional / Revised Information Sheet

Office Use Only		
Application Number: VAR 22-1060	Received Date:	Received By:

The following form is required when submitted changes for any application that was previously submitted. A cover letter must be submitted providing a summary of the changes and/or additional information provided. If there is a change in project size the cover letter must list any new folio number(s) added. Additionally, **the second page of this form must be included indicating the additional/revised documents being submitted with this form.**

Application Number: VAR 22-1060 Applicant's Name: Toni Sullivan

Reviewing Planner's Name: \_\_\_\_\_ Date: 11/17/2023

Application Type:

- Planned Development (PD)  Minor Modification/Personal Appearance (PRS)  Standard Rezoning (RZ)
- Variance (VAR)  Development of Regional Impact (DRI)  Major Modification (MM)
- Special Use (SU)  Conditional Use (CU)  Other \_\_\_\_\_

Current Hearing Date (if applicable): 12/19/2023

### Important Project Size Change Information

Changes to project size may result in a new hearing date as all reviews will be subject to the established cut-off dates.

Will this revision add land to the project?  Yes  No  
If "Yes" is checked on the above please ensure you include all items marked with \* on the last page.

Will this revision remove land from the project?  Yes  No  
If "Yes" is checked on the above please ensure you include all items marked with \* on the last page.

**Email this form along with all submittal items indicated on the next page in pdf form to:  
[ZoningIntake-DSD@hcfllgov.net](mailto:ZoningIntake-DSD@hcfllgov.net)**

Files must be in pdf format and minimum resolution of 300 dpi. Each item should be submitted as a separate file titled according to its contents. All items should be submitted in one email with application number (including prefix) included on the subject line. Maximum attachment(s) size is 15 MB.

For additional help and submittal questions, please call (813) 277-1633 or email [ZoningIntake-DSD@hcfllgov.net](mailto:ZoningIntake-DSD@hcfllgov.net).

**I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.**

Signature

11/17/2023  
Date



**Hillsborough  
County Florida**  
Development Services

## Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to [Chapter 119 Florida Statutes](#), all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers.

While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications. If your application requires a public hearing and contains sensitive/protected information, please contact [Hillsborough County Development Services](#) to determine what information will need to be disclosed as part of the public hearing process.

Additionally, parcels exempt under [Florida Statutes §119.071\(4\)](#) will need to contact [Hillsborough County Development Services](#) to obtain a release of exempt parcel information.

Are you seeking an exemption from public disclosure of selected information submitted with your application pursuant to Chapter 119 FS?  Yes  No

I hereby confirm that the material submitted with application VAR 22-1060

Includes sensitive and/or protected information.

Type of information included and location \_\_\_\_\_  
\_\_\_\_\_

Does not include sensitive and/or protected information.

**Please note:** Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.

If an exemption is being sought, the request will be reviewed to determine if the applicant can be processed with the data being held from public view. Also, by signing this form I acknowledge that any and all information in the submittal will become public information if not required by law to be protected.

Signature:   
(Must be signed by applicant or authorized representative)

Intake Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Hillsborough  
County Florida**  
Development Services

# Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Included	Submittal Item
1	<input type="checkbox"/> <b>Cover Letter**</b> If adding or removing land from the project site, the final list of folios must be included
2	<input checked="" type="checkbox"/> <b>Revised Application Form**</b>
3	<input type="checkbox"/> <b>Copy of Current Deed*</b> Must be provided for any new folio(s) being added
4	<input type="checkbox"/> <b>Affidavit to Authorize Agent*</b> (If Applicable) Must be provided for any new folio(s) being added
5	<input type="checkbox"/> <b>Sunbiz Form*</b> (If Applicable) Must be provided for any new folio(s) being added
6	<input type="checkbox"/> <b>Property Information Sheet**</b>
7	<input type="checkbox"/> <b>Legal Description of the Subject Site**</b>
8	<input type="checkbox"/> <b>Close Proximity Property Owners List**</b>
9	<input type="checkbox"/> <b>Site Plan**</b> All changes on the site plan must be listed in detail in the Cover Letter.
10	<input type="checkbox"/> <b>Survey</b>
11	<input type="checkbox"/> <b>Wet Zone Survey</b>
12	<input type="checkbox"/> <b>General Development Plan</b>
13	<input type="checkbox"/> <b>Project Description/Written Statement</b>
14	<input type="checkbox"/> <b>Design Exception and Administrative Variance requests/approvals</b>
15	<input type="checkbox"/> <b>Variance Criteria Response</b>
16	<input type="checkbox"/> <b>Copy of Code Enforcement or Building Violation</b>
17	<input type="checkbox"/> <b>Transportation Analysis</b>
18	<input type="checkbox"/> <b>Sign-off form</b>
19	<input checked="" type="checkbox"/> <b>Other Documents</b> (please describe): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Updated Variance Application, Updated Authorization Affidavit, Updated Surrounding Owners Search, and Proof of Notice Affidavit.</div>

\*Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

+Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.



**Hillsborough  
County Florida**  
Development Services

# Property/Applicant/Owner Information Form

### Official Use Only

Application No: \_\_\_\_\_ Intake Date: \_\_\_\_\_  
Hearing(s) and type: Date: \_\_\_\_\_ Type: \_\_\_\_\_ Receipt Number: \_\_\_\_\_  
Date: \_\_\_\_\_ Type: \_\_\_\_\_ Intake Staff Signature: \_\_\_\_\_

### Property Information

Address: 401 Mahogany Drive City/State/Zip: Seffner, Florida  
TWN-RN-SEC: 29/20/14 Folio(s): 066883-2256 Zoning: RSC-6 Future Land Use: RES-6 Property Size: .21 Acres

### Property Owner Information

Name: Toni Sullivan Daytime Phone \_\_\_\_\_  
Address: 421 Country Vineyard Drive City/State/Zip: Valrico, FL 33594  
Email: agent: ssavino@stearnsweaver.com Fax Number (813) 222-5089

### Applicant Information

Name: Toni Sullivan Daytime Phone \_\_\_\_\_  
Address: 421 Country Vineyard Drive City/State/Zip: Valrico, FL 33594  
Email: agent: ssavino@stearnsweaver.com Fax Number (813) 222-5089

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

Name: Jacob T. Cremer/Simon Savino - Stearns Weaver Miller Daytime Phone (813) 223-4800  
Address: PO Box 3299 City/State/Zip: Tampa, FL 33601-3299  
Email: savinos@stearnsweaver.com; cwalden@stearnsweaver.com Fax Number (813) 222-5089

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

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)

Type or print name