



Hillsborough County Florida

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0991

LUHO HEARING DATE: August 23, 2021

CASE REVIEWER: Kim King

REQUEST: The applicant is requesting a setback variance for a monument sign identified as Sign #2. This is an Ed Morse Cadillac dealership and the variance being requested is for a Mitsubishi Motors sign located on the same parcel at 101 E. Fletcher Ave.

BACKGROUND: The requested variance is for a monument sign previously approved and they are replacing it in a new location on the parcel. The following is a list of the petition numbers previously approved; June 1986 Petition #166 by the Sign Appeals Board, July 2013 VAR 13-0454 and January 2021 VAR 21-0119 by the Land Use Hearing Officer.

VARIANCE(S):

Per Section 7.03.00.C.1.c of the LDC requires monument signs at 4 ft. high a 15 ft. setback from the right-of-way line and for every 1 ft. you increase the height you must increase the setback 1 ft. The monument sign in this request is 29 ft. 6 in. in height which would require a 41 ft. setback.

Variance

The applicant is requesting a variance of 27 ft. which would place the monument sign at a 14 ft. setback from the Florida Ave. right-of-way line.

FINDINGS:

None.

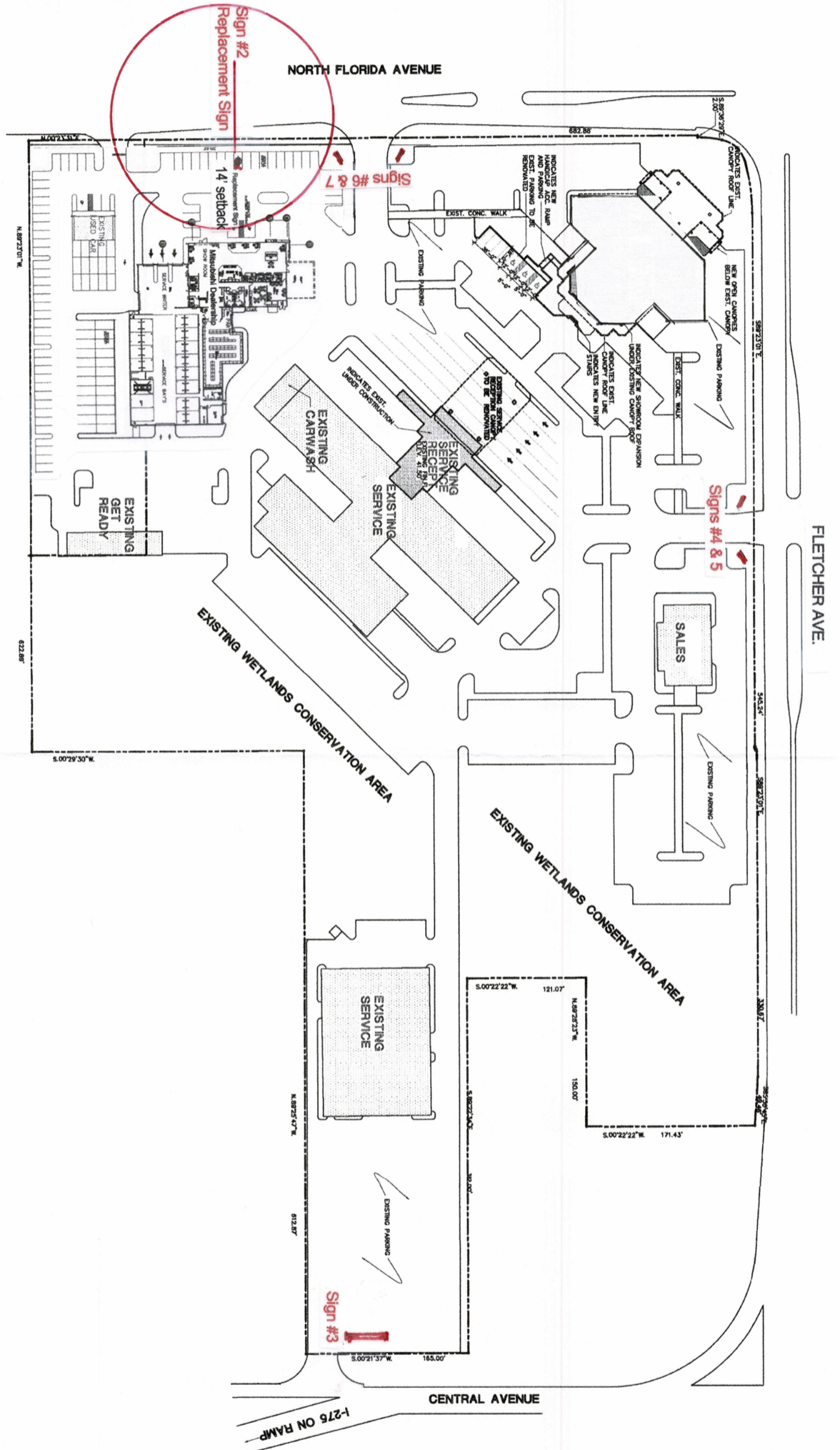
DISCLAIMER:

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

Signs Previously Approved
 1986 Petition #166
 VAR 13-0454 GCN
 VAR #21-0119



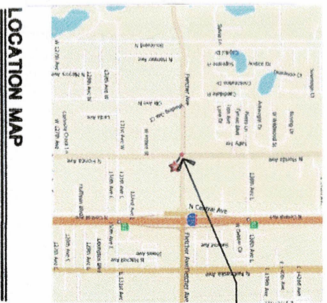
SITE PLAN

1"=50'-0"



Property Information

Folio Number: # 017959
 Master Address: 101 E. Fletcher Ave. Tampa, FL
 Mitsubishi Address: 13131 N. Florida Ave. Tampa, FL
 Owner: Morse Operations Inc.
 2850 S. Federal Hwy.
 Delray Beach, FL 33483
 Parcel Size: 14.4 ac.
 Total Frontage: 1686.03'



SITE

N.T.S.



MORSE TAMPA CADILLAC TAMPA FLORIDA

SITE PLAN

201012

drawing

NOTE:
 1. This drawing is the property of Morse Operations Inc. and is not to be reproduced or used in any way without the written consent of Morse Operations Inc.
 2. This drawing is based on information provided by the client and is not to be used for any other purpose.
 3. The client is responsible for obtaining all necessary permits and approvals for this project.
 4. The client is responsible for providing all necessary information for this project.
 5. The client is responsible for providing all necessary information for this project.

revisions	DATE	BY	DESCRIPTION
1	08/20/19	AS	ISSUED FOR PERMITS
2	09/11/19	AS	REVISIONS
3	09/11/19	AS	REVISIONS
4	09/11/19	AS	REVISIONS
5	09/11/19	AS	REVISIONS
6	09/11/19	AS	REVISIONS
7	09/11/19	AS	REVISIONS
8	09/11/19	AS	REVISIONS
9	09/11/19	AS	REVISIONS
10	09/11/19	AS	REVISIONS
11	09/11/19	AS	REVISIONS
12	09/11/19	AS	REVISIONS
13	09/11/19	AS	REVISIONS
14	09/11/19	AS	REVISIONS

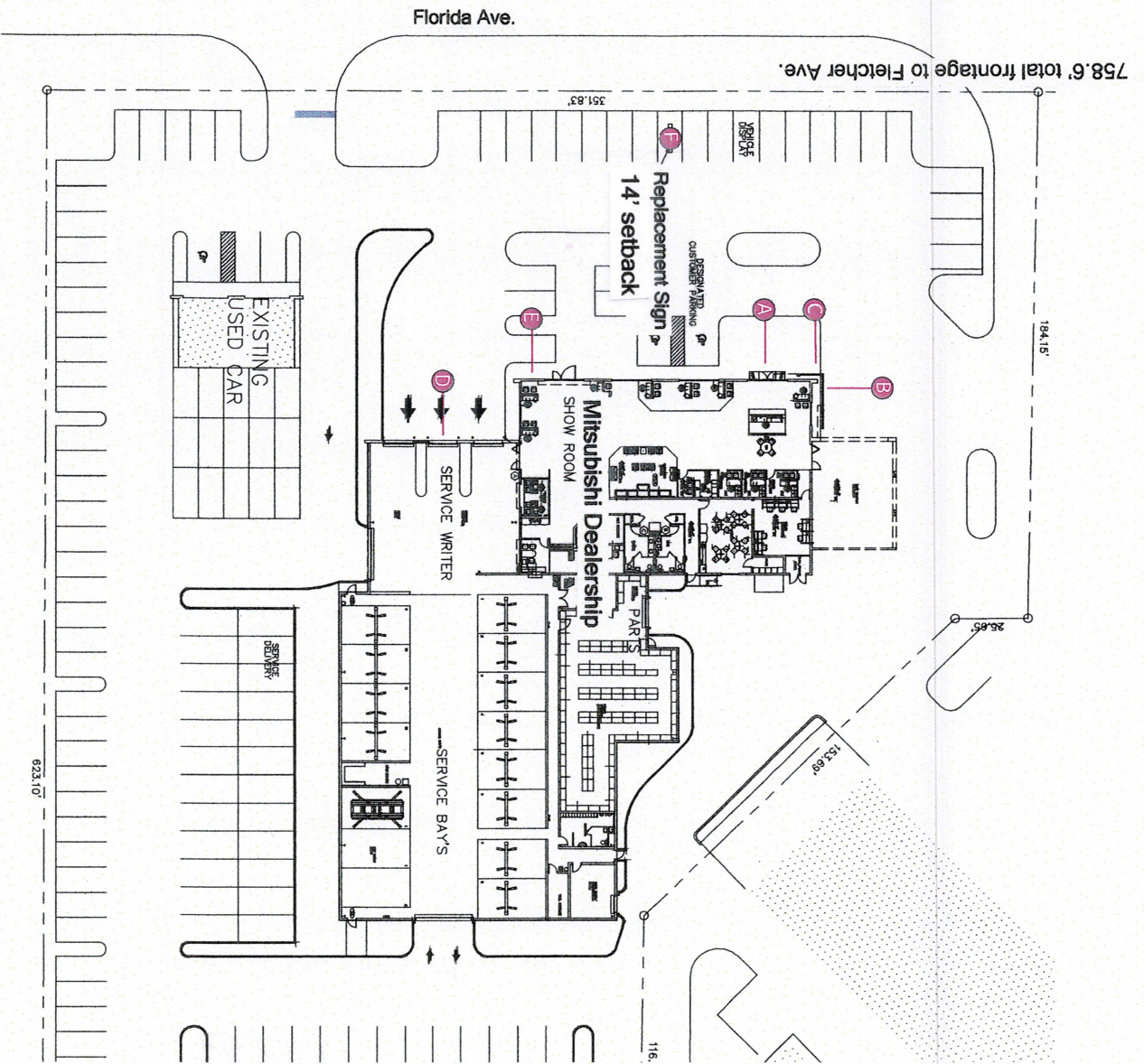
A1.1

1"=50'-0"

08/20/19

AS

SITEPLAN



QTY.	DESCRIPTION
1	Entrance Gate
1	Dynamic Slope
1	5' Corporate Mark
1	18" Service Sign
1	18" Dealer Name
1	M100-29 Monolith Pylon

NOTES:

Dealer is responsible for verifying that siteplan shown matches final architectural plans.

Exact location of signage to be determined. Final location of signage subject to municipality approval.

Copy on and placement of any directional signs to be verified by dealer.

Property Information

Folio Number: # 017959
 Master Address: 101 E. Fletcher Ave. Tampa, FL
 Mitsubishi Address: 13131 N. Florida Ave. Tampa, FL
 Owner: Morse Operations Inc.
 2850 S. Federal Hwy.
 Delray Beach, FL 33483

Parcel Size: 14.4 ac.
 Total Frontage: 1686.03'

Sign and sign information added to site plan 6.20.2021 by Mark Branchley, Planning Consultant 435.512.6833, 3790 Beacon Ridge Way, Clermont, Florida 34711.



Scale: NTS



MITSUBISHI MOTORS
 Enlarged Site Plan

Ed Morse Mitsubishi
 13131 N. Florida Ave. (101 E. Fletcher Ave. Master Address)
 Tampa, Florida



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.

Four previous variance applications since 1986 have been approved for ground signs on this 14.4 acre site. Currently the parcel has 1686.03 lineal feet of frontage and abuts three streets: Florida Ave., Fletcher Ave. and Central Ave (I-275). Based on 300' frontage allowance per sign, the site is permitted to have five (5.62) ground signs-each with a maximum of 50 SF sign face-100 SF total. The four variance approvals have permitted seven ground or monument signs and are listed in the Details of Request of VAR13-0454 CGN. The specific variance application Petition #166 approved June 3, 1986 allowed the following signs:
Sign # 1 Cadillac Pole Sign 130 SF/260 SF; Sign #2 Cadillac Pole Sign 36 SF/72SF; Sign #3 had been permitted by code earlier in that year and was acknowledged as 50SF/100SF; Signs #4&5, #6&7 Cadillac Monument Signs 24 SF single sided located at entrances as 3' high directional signs.
Sign #3 located along Central Ave. and Interstate 275 was enlarged from 50 SF to 250 SF/500SF and the height increased from 30' to 50' by VAR 13-0454 GCN with hearing on June 24, 2013. It was determined that because this sign abutted the elevated and heavily traveled I 275 corridor that an increase in height and sign area was justified. Sign #1 Cadillac pole sign no longer exists and Sign #2 is being replaced by this variance sign making a total of 4 monument directional signs #4,5,6,&7 and one ground sign #3.
This is the same sign that was addressed in the most recent variance #21-0119 approved 1.25.2021 by the LUHO but the requested setback variance now is 27' allowing a setback of 14' from Florida Ave ROW line. The 4 foot error in measurement that was the basis for the previous variance (18' setback-23'variance) has been corrected after sign foundation work was started. The monolith ground sign is 29'6" OAH with 42 SF/84 SF of sign copy area. According to Kim King, signs reviewer for Hillsborough County, the monolith shape classifies the sign as a monument sign and thus requires a front setback of 41'.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:
7.03.00.C.1.c Setback/Monument Signs

This application seeks to reaffirm the previous variance approvals relative to
7.03.00.C.2.a Maximum Number of Ground Signs

ADDITIONAL INFORMATION

1. Have you been cited by Hillsborough County Code Enforcement? No X 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 X Yes _____ If yes, please indicate the nature of the application and the case numbers assigned to the application(s): Only the historical applications listed above
3. Is this a request for a wetland setback variance? No X 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 Existing Public Wastewater existing 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 _____ 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 19th floor County Center).

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 subject property is abutted by three divided and heavily traveled roadways of different classifications which make access, especially ingress to the site, difficult. Signage that is reasonably located and of a visible size is especially critical. A substantial street treescape along Fletcher Ave. restricts visibility of typical signage and the previous approved variances have considered this as well as the fast motoring speed of and raised elevation of the I 275 corridor. Heavy and fast moving traffic on Florida Ave. also restrictes visibilty and the challenges the motoring public's need for wayfinding direction and site identification.

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 literal interpretation of the Land Development Code and the reasonableness of said code was also considered in the previous variances which resulted in the approval of one additional ground sign beyond code provisions. The replacement sign that is proposed is a monolith sign, and is the same height and contains the same or less sign area as the existing sign, but because it is a monolith sign it must be setback a greater distance than said existing pole sign. If the sign were to be setback 41' it would lose its effectiveness as both a wayfinder as well as a site identifiyer as it would be blocked by neighboring structures and therefore be deprived of reasonable signage enjoyed by other properties in the same district whose signs are typically setback 10-15'.

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

The proposed sign will not substantially interfere with or injure the rights of others, especially neighboring properties as evidenced by the historical location of the existing sign for the past thirty or so years. Similar monolith signs are located along north Florida Ave. both in Hillsborough County and City of Tampa jurisdictons and do not interfere with adjacent properties but have a positive influence in upgrading the attractiveness and aesthetics of the busy commercial corrdor.

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 purpose of the Hillsborough County sign regulations is to promote the health, safety and general welfare of county residents by lessening hazards to the motoring public, by preventing unsightly and detrimental signs that detract from the aesthetic appeal to both residents and non residents. A car dealership, especially in Florida is a significant source of sales tax income from car sales to out of state visitors as well as the local market and as such should be as visible and reasonable as any sign code should allow and encourage.

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.

The applicant wishes to replace an approved Cadillac pole sign with a Mitsubishi sign because of changes within the market and dealership. The current and accepted style of dealership signs is overwhelmingly the upright blade or monolith monument sign. It is essential to the applicant that the style of the sign meet current aesthetic norms in order to be competitive and marketable. This style of sign requires a greater setback, the applicant wishes to keep the replacement sign close to the existing site as it has been found to be a reasonable location for optimal visibility.

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.

As explained in 5 above, the historical location of the sign along Florida Ave. has been found to provide optimal visibility for both way finding and product identification. Substantial justice would be done if the variance is granted considering both the historical and proven public benefit the sign at this location has been and will be and therefore outweighs any individual hardships by failure to grant a variance.

QUITCLAIM DEED

OFF. REC. 5054 866

THIS INDENTURE, made this 27th day of February, 1987, between BAY CADILLAC, INC., a Florida corporation, hereinafter referred to as "GRANTOR", and MORSE OPERATIONS, INC., a Florida corporation, whose address is 1240 North Federal Highway, Fort Lauderdale, Florida 33304, hereinafter referred to as "GRANTEE."

1987 MAR -2 PM 4:57
87046970

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other valuable considerations, lawful money of the United States of America, to Grantor in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed to Grantee, its successors and assigns forever, all the right, title, interest and claim of Grantor in and to the following described land in Hillsborough County, Florida to-wit:

See Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the above described premises, with the appurtenances, unto the Grantee, its heirs and assigns forever.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed by its duly authorized officer and its seal to be affixed on this 27th day of February, 1987.

Signed, sealed and delivered in the presence of:

BAY CADILLAC, INC.

Bope A. Morse (WITNESS)
S. Daniel (WITNESS)

By: Edward R. Leibowitz
Edward R. Leibowitz,
President
[Corporate Seal]

CORPORATE ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

BEFORE ME, the undersigned authority, personally appeared EDWARD R. LEIBOWITZ, as President of BAY CADILLAC, INC., to me well known, and known by me to be the individual described in and who executed the foregoing Quitclaim Deed, and he acknowledged to and before me that he executed said Quitclaim Deed on behalf of and in the name of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 27 day of February, 1987, in the County and State aforesaid.

RICHARD L. LAKE
CLERK OF HILLSBOROUGH COUNTY
HILLSBOROUGH COUNTY

[Signature]
NOTARY PUBLIC, State of Florida
at Large

My Commission Expires:

NOTARY PUBLIC, State of Florida
My Commission Expires Jan. 31, 1989

This instrument was prepared by and return to:

Leslie J. Barnett
Barnett, Bolt & Kirkwood
100 Twiggs Street
Sixth Floor
Tampa, Florida 33602

50
Deputy Clerk

552/9

A PORTION OF LOTS 1, 2, 3, 4 AND 6, BLOCK 2, NORTH TAMPA HEIGHTS LAND AND DEVELOPMENT COMPANY AS RECORDED IN PLAT BOOK 3, PAGE 73, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA AND A PORTION OF LOTS 3, 4 AND 5, FLETCHER COURT AS RECORDED IN PLAT BOOK 25, PAGE 98, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; LESS ROAD RIGHTS OF WAY.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF LOT 1, BLOCK 2, NORTH TAMPA HEIGHTS LAND AND DEVELOPMENT COMPANY AS RECORDED IN PLAT BOOK 3, PAGE 73, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA AS A POINT OF REFERENCE: THENCE S.00°29'30"W., 25.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF FLETCHER AVENUE (S.R. 582-A); THENCE ALONG SAID LINE S.89°23'01"E., 156.00 FEET; THENCE LEAVING SAID LINE S.00°42'39"W., 85.00 FEET; THENCE S.89°23'01"E., 65.00 FEET; THENCE N.00°42'39"E., 85.00 FEET TO A POINT ON AFOREMENTIONED RIGHT OF WAY LINE OF FLETCHER AVENUE; THENCE ALONG SAID LINE BY THE FOLLOWING TWO COURSES; 1) S.89°23'01"E., 109.67 FEET; 2) S.85°30'45"E., 49.46 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, S.00°22'22"W., 171.43 FEET; THENCE N.89°28'23"W., 150.00 FEET TO A POINT ON THE EAST LINE OF LOT 5, FLETCHER COURT AS RECORDED IN PLAT BOOK 25, PAGE 98, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; THENCE S.00°22'22"W., ALONG SAID LINE 121.07 FEET TO A POINT ON THE SOUTH BOUNDARY OF AFOREMENTIONED FLETCHER COURT SUBDIVISION; THENCE S.89°22'34"E., ALONG SAID LINE, 382.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF CENTRAL AVENUE; THENCE S.00°21'37"W., ALONG SAID LINE 165.00 FEET; THENCE LEAVING SAID LINE N.89°25'47"W., ALONG THE SOUTH LINE OF THE NORTH HALF OF LOT 4, BLOCK 2, NORTH TAMPA HEIGHTS LAND AND DEVELOPMENT COMPANY, 612.87 FEET TO A POINT ON THE EAST LINE OF LOT 3, BLOCK 2, NORTH TAMPA HEIGHTS LAND AND DEVELOPMENT COMPANY; THENCE S.00°29'30"W., ALONG SAID LINE, 278.43 FEET TO THE SOUTHEAST CORNER OF THE NORTH 120 FEET OF LOT 6, BLOCK 2, NORTH TAMPA HEIGHTS LAND AND DEVELOPMENT COMPANY; THENCE N.89°23'01"W., ALONG THE SOUTH LINE OF SAID NORTH 120 FEET, 622.89 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF FLORIDA AVENUE; THENCE ALONG SAID LINE BY THE FOLLOWING FOUR COURSES; 1) N.00°23'31"E., 682.88 FEET; 2) S.89°36'29"E., 2.00 FEET TO A POINT ON CURVE; 3) ALONG THE ARC OF A CURVE TO THE RIGHT, RADIUS 111.25 FEET, ARC 24.95 FEET, CHORD N.06°43'30"E., 24.90 FEET TO A POINT OF COMPOUND CURVE; 4) ALONG THE ARC OF A CURVE TO THE RIGHT, RADIUS 31.25 FEET, ARC 33.60 FEET, CHORD N.44°04'26"E., 32.00 FEET TO A POINT OF COMPOUND CURVE, SAID POINT ALSO BEING THE BEGINNING OF THE SOUTH RIGHT OF WAY LINE OF FLETCHER AVENUE; THENCE ALONG SAID LINE BY THE FOLLOWING THREE COURSES; 1) ALONG THE ARC OF A CURVE TO THE RIGHT, RADIUS 191.25 FEET, ARC 52.54 FEET, CHORD N.82°44'46"E., 52.37 FEET TO A POINT OF TANGENCY; 2) S.89°23'01"E., 545.24 FEET; 3) N.00°29'30"E., 2.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A"



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: 101 E. Fletcher Ave. City/State/Zip: Tampa TWN-RN-SEC: _____
Folio(s): 017959 Zoning: CG Future Land Use: _____ Property Size: 14.4 ac

Property Owner Information

Name: Morse Operations Inc. Daytime Phone: _____
Address: 2850 S. Federal Hwy City/State/Zip: Delray Beach, Florida 33483
Email: _____ FAX Number: _____

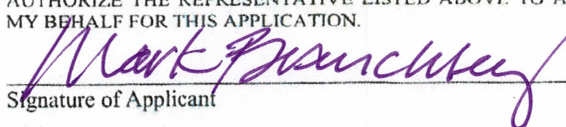
Applicant Information

Name: Ed Morse Mitsubishi Motors Daytime Phone: 813-521-8208
Address: 13131 N. Florida Ave. City/State/Zip: Tampa, FL 33612
Email: info@edmorsemitsubishi.com FAX Number: n/a

Applicant's Representative (if different than above)

Name: Mark Branchley Daytime Phone: 435.512.6833
Address: 3790 Beacon Ridge Way City / State/Zip: Clermont, Florida 34711
Email: wcfpermits.markb@gmail.com FAX Number: n/a

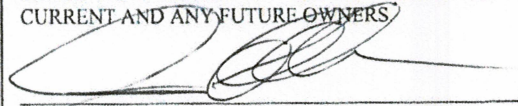
I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.



Signature of Applicant
Mark Branchley

Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.



Signature of Property Owner
CARMINE COLELLA

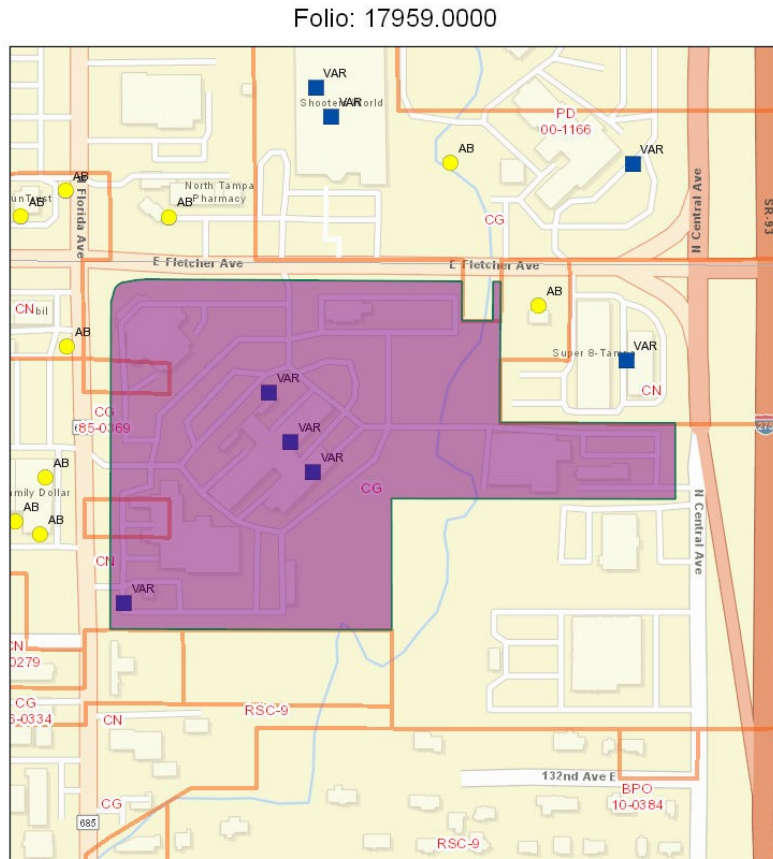
Type or Print Name

Intake Staff Signature: Clare Odell Office Use Only Intake Date: 6 2 2 2 1
Case Number: 21 00001 Public Hearing Date: 0 2 2 2 1
Receipt Number: 57261

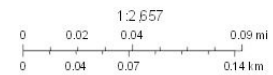


PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Commercial/Office/Industr
Zoning	CN
Description	Commercial - Neighborhood
Zoning Category	Commercial/Office/Industr
Zoning	CG
Description	Commercial - General
Zoning Category	Commercial/Office/Industr
Zoning	CG
Description	Commercial - General
Zoning Category	Commercial/Office/Industr
Zoning	CG
Description	Commercial - General
RZ	85-0369
Flood Zone:AE	FLOODWAY
Flood Zone:AE	
Flood Zone:AE	
Flood Zone:AE	FLOODWAY
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
Flood Zone:AE	
FIRM Panel	0204H
FIRM Panel	12057C0204H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	AE
Pre 2008 Flood Zone	X500
Pre 2008 Flood Zone	AE FW
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120204D
County Wide Planning Area	Greater Carrollwood Northdale
Community Base Planning Area	Greater Carrollwood Northdale
Census Data	Tract: 011206 Block: 2002
Future Landuse	R-12
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



June 23, 2021



Hillsborough County Florida

Folio: 17959.0000
PIN: U-12-28-18-0TD-000002-00001.0
MORSE OPERATIONS INC
Mailing Address:
 2850 S FEDERAL HWY
 DELRAY BEACH, FL 33483-3216
Site Address:
 101 E FLETCHER AVE
 TAMPA, FL 33612
SEC-TWN-RNG: 12-28-18
Acreage: 14.3906002
Market Value: \$8,944,422.00
Landuse Code: 2701 COMM./OFFICE

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- Or
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